Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/1445
Oakfield, 1 Peters Close, Cripplegate Lane, Southwater, Horsham, West Sussex, RH13 9JP

DESCRIPTION:

Variation of condition 4 of previously approved application reference DC/21/0323 (Erection of a single storey side extension to existing garage) to allow use of garage as a bridal boutique.

RELEVANT PLANNING HISTORY:

DC/21/0323	Variation of condition 1 of planning permission DC/19/1624 (Erection of a single storey side extension to existing garage). Amendment to roof profile of garage building.	Application Permitted on 28.05.2021
DC/19/1624	Erection of a single storey side extension to existing garage.	Application Permitted on 08.10.2019
SQ/48/98	Residential development of 40 dwellings (outline)	Application Permitted on 08.09.2000

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40 - Sustainable Transport
Policy 41 - Parking

Southwater Neighbourhood Development Plan (2019-2031)
SNP1 - Core Principles
SNP14 - Adequate Provisions of Car Parking
SNP16 - Design

Horsham District Local Plan (2023-40) (Regulation 19):
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Strategic Policy 24: Sustainable Transport
Policy 25: Parking
Policy 46: Ancillary Accommodation

Supplementary Planning Guidance:
Planning Obligations and Affordable Housing SPD (2017)
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Southwater Parish Design Statement

Planning Advice Notes:
Shaping Development in Horsham District
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

INTERNAL CONSULTATIONS

HDC Planning Compliance: Comments received

HDC Environmental Health: No Objection

The department have no adverse comments to make regarding the application, recommendations provided relating to conditions associated with the construction phase and operation.

OUTSIDE AGENCIES

WSCC Highways: Advice

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (in line with TR6 paragraph 4) and that there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS:

Representations:

None received

Parish Comments:

Southwater Parish Council: No Objection

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Background

Planning consent was granted for the erection of a single storey side extension to the existing detached garage serving Oakfield, in 2019 under the application reference DC/19/1624. A further application, DC/21/0323, sought an amendment to the approved plans, allowing for alterations to the roof profile of this garage. As part of both consents, condition 4 was imposed, which reads as follows:

Condition 4 –

'Regulatory Condition: The garage building hereby permitted shall not be occupied or used at any time other than incidental to the enjoyment of the residential building on the site and shall not be let or sold separately.

Reason: To protect the amenity of the area in accordance with Policy 33 of the Horsham District Planning Framework (2015)'.

This current application seeks retrospective consent to amend the wording of the above condition, allowing for the use of the garage building to be used for ancillary purposes, in connection with the applicant's bridal boutique business. The submitted Planning Statement details that the building is occupied and operated solely by the owners and occupiers of the main dwelling the garage serves, Oakfield and is a family run bridal, prom and bespoke dress business having evolved from a home-based enterprise.

The first-floor accommodation comprises a consultation and fitting room together with a WC and kitchenette allowing for the preparation of light refreshments for visiting clients and does not function as a separate residential unit or independent commercial premises. The ground floor retains a garage use, whilst also acting as a lobby/storage area. The business operates strictly on an appointment only basis, averaging approximately 10 clients visits per week, between the hours of 10:00 and 19:00. It is stated that no external storage takes place, no external activities or amplified music nor significant deliveries or collections take place on the site.

The operation as detailed within the Planning Statement is considered to be of a nature and scale that would be regarded as ancillary to the principal use of the site as a residential dwelling. It is therefore considered that the principle of the development is acceptable, subject to all other material considerations, and amended wording of condition 4 to ensure it operates and remains as ancillary.

Design and Appearance:

Policies 25, 32, and 33 of the HDPF promote development that protects, conserves, and enhances the townscape character from inappropriate development. Proposals should take into account townscape characteristics, with development seeking to provide an attractive, functional, and accessible environment that complements the locally distinctive character of the district. Buildings should contribute to a sense of place, and should be of a scale, massing, and appearance that is of a high standard or design and layout which relates sympathetically to the landscape and built surroundings.

Policy SNP16 of the SNP states that all development must be of high-quality design. This means facing buildings with locally sourced materials, or materials equivalent to those that would historically have been sourced locally wherever possible; encourage a variety of complementary vernaculars to encourage contextually appropriate design and diversity in our building stock; and making sure the design of new development actively responds to other properties in the vicinity.

No external changes are proposed as part of this application, with the application solely seeking consent to allow for the garage to be used as a bridal boutique, ancillary to the main dwelling. Therefore, there is no conflict with Polices 25, 32 and 33 of the HDPF or Policy 16 of the SNP.

Residential Amenity:

Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

Policy 16.1 of the SNP states development should not result in unacceptable harm to the amenities of existing and proposed buildings, particularly with regard to privacy, outlook, daylight and sunlight.

The garage is located approximately 25 metres west of the neighbouring 2 Peters Close and it is also noted that no letters of representation objecting to the proposal have been received. The submitted Planning Statement details that the business operates strictly on an appointment only basis, averaging approximately 10 clients visits per week between the hours of 10:00 and 19:00. Appointments are arranged on a staggered basis, ensuring activity is controlled and limited, with no unrestricted public access, no walk in trade, no external display areas and no staffing beyond the household occupants of Oakfield. It is also stated that no external storage takes place, no external activities or amplified music nor significant deliveries or collections take place on the site.

Given the low level of activity associated with this use, it is considered that the part use of the garage, associated with this bride boutique use, will ensure the garage remains ancillary to the principal dwelling it serves, with the activity wholly contained within the garage itself. Whilst amending Condition 4 to ensure the garage is to be used on an ancillary basis, instead of incidental, the submitted Planning Statement is to be conditioned, thereby ensuring the development remains at the current level of use without intensification, which in turn restricts the hours of operation. Therefore, the proposed development, at its current level of activity, would not result in any significant harm to the amenities of neighbouring occupiers. The proposal therefore accords with Policies 32 and 33 of the HDPF and Policy 16.1 of the SNP.

Highways Impacts:

Policy 40 of the HDPF deals with sustainable transport and seeks new developments to provide safe and suitable access for all vehicles, pedestrians, cyclists, horses riders, public transport, and the delivery of goods. Policy 41 which relates to parking requires adequate parking and facilities to be provided within developments to meet the needs of anticipated users.

The submitted plans confirm a singular parking space is provided as part of the proposals, providing parking for visitors to the boutique. The Planning Statement also details that further parking is available onsite for in excess of four vehicles. Whilst these spaces were full at the time of the officer's site visit, the applicant confirmed that these vehicles are normally either stored within the garages or offsite, and the arrangement on site allows for further vehicles if required.

West Sussex County Council, in their role as the Local Highways Authority, have confirmed that given the small-scale nature of the proposed development, the LHA does not anticipate that the proposals would give rise to a significant material intensification of use. Whilst the proposals represent a loss of the garage for vehicle parking purposes, there still appears to be ample space on-site to serve the parking needs of the business as well as the host dwelling. In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (in line with TR6 paragraph 4) and that there are no transport grounds to resist the proposal.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The Biodiversity Gain Plan must show how the development will achieve the required minimum 10% BNG using the statutory biodiversity metric tool and must demonstrate how the habitats will be managed and maintained for 30 years, starting from the date the development is completed. Off-site

gains (on unregistered sites) and significant on-site enhancements will be secured over this period by way of a Legal Agreement.

The Applicant has demonstrated that the development is exempt from the requirement to achieve a minimum 10% BNG by reason of:

- The application is retrospective made under Section 73(A) of the Town and Country Planning Act.

- The original planning permission to which this section 73 planning application relates was made or granted before 12th February 2024 (in respect of major development), or before 2nd April 2024 (in respect of non-major development) under Regulation 3 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

1 **PLANS LIST**

2 **NOT USED**

3 **Regulatory Condition**: The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

Reason: In the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of Oakfield, 1 Peters Close, as a dwelling and shall accord with the details as outlined within the approved Planning Statement, received 27.08.2026. The accommodation shall not be used as a separate unit of accommodation or as an independent commercial business.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policies 26 and 33 of the Horsham District Planning Framework (2015).

NOTE TO APPLICANT
Biodiversity Net Gain Condition
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);

2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;

3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);

4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

In addition, the Biodiversity Gain Plan Condition does not apply to applications for major development made before 12 February 2024, or non-major development made before 2 April 2024.

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/26/1445
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Site Location & Block Plan	DE867/ 01/B REV P1	27.08.2026

Elevation plan	Existing Front, Rear and Side Elevations	DE867 / 04/B REV P2	27.08.2026
Floor plan	Proposed Ground & First Floor Plans	DE867 / 03/B REV P1	27.08.2026
Floor plan	Existing Floor Plans	DE867 / 02/B REV P1	27.08.2026
Supporting Statement	Planning Statement		27.08.2026
Supporting Statement	Application Form	NONE	27.08.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 19/10/2026

Authorising Officer sign/initial Tamara Dale Date: 21.10.2026