From: Planning@horsham.gov.uk
Sent: 17 January 2024 23:05
To: Planning
Subject: Comments for Planning Application DC/23/1797

Categories: Comments Received

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 17/01/2024 11:06 PM.

Application Summary

Address:	Farmshop and Eatery West Chiltington Road Pulborough West Sussex RH20 2RZ
Proposal:	Variation of conditions 1 and 11 of previously approved application reference DC/18/2505 (erection of a farm shop and cafe building, with ancillary parking for customers) relating to varying of opening hours.
Case Officer:	William Omoma

Click for further information

Customer Details

Address:	Danhill Farm Harbolets Road Thakeham

Comments Details

Commenter Type:	Neighbour
Stance:	Customer objects to the Planning Application
Reasons for comment:	- Loss of General Amenity - Other - Privacy Light and Noise
Comments:	We are writing to object to the above application. The basis for our objection is set out below and relates specifically to the proposed extension of opening hours beyond 19:00 hours. In writing, we would like to stress that we have no issue with the core vineyard and café business of Kinsbrook and indeed wish it every success. Our concern is that this proposed variation of conditions will cement what has been a rapid expansion into an increasingly noisy entertainment business that is fundamentally at odds with the fragile natural and social environment in this very rural area. Throughout we ask you to note the following policy/planning points,

Horsham District Local Plan 2023-2040 : Regulation 19 (December 2023) - Especially Local Plan Spatial Objectives 2, 3, 4 and 6.

Environmental Protection Act 1990 - Especially Section 79, Artificial light and noise as a nuisance

Horsham District Council Local Plan 2019-2036 - Chapter 7 : Conserving and Enhancing the Natural Environment. Specifically, Policy 25 (noise and light pollution) and Policy 28 (countryside protection - a) conservation of tranquillity of area)

Planning Noise Advice Document : Sussex (2015) - Clause 3.2.1 "people living near to places of entertainment have a right to enjoy reasonable standards of amenity"

Our reasons for objecting -

1. The proposed variation will lead to a fundamental change to the original approved application that should trigger a wholly new planning application for the Kinsbrook business

DC/18/2505 allowed for the erection of a farm shop and cafe building, with ancillary parking for customers. The business has on occasion served non-café food via occasional Temporary Events Notice events. However, the application for the variation positions the business as having a restaurant - which it does not - and asks HDC to consider the proposed variation to opening hours alongside the opening hours of pubs and restaurants in the District. This is fundamentally incorrect as DC/18/2505 only allowed for a permanent café and farm shop. It would be very unusual for a café in a very rural countryside location to open beyond 19:00, let alone up to 22:00 hours. If the Kinsbrook business wishes to create a "restaurant" that is open to 22:00 this should be subject to a new dedicated planning application rather than being introduced to DC/18/2505 by stealth on the back of occasional evening food service through Temporary Events Notices.

2. The proposed variation in hours will lead to increased vehicle use at night leading to higher carbon emissions, harm to the natural environment and further harm to neighbours' amenity.

While the application for variation highlights opportunities for non-vehicle access to the café and farm shop business, these have little relevance to the proposed extension of opening hours from 19:00 to 22:00 hours. Local buses do not run at these hours and aside from a short period in mid-summer it is dark well before the proposed closing time for the business. As a result, customers will need to use cars to reach the venue, significantly increasing carbon emissions and noise at a time when the local rural area is at its quietest. This would be in direct opposition to HDC's Local Plan Spatial Objectives 2 (minimising carbon emissions); 3 (preserving the unique landscape character); 4 (safeguarding environmental and biodiversity quality); and 6 (protecting amenity and the character of settlements).

As local residents for over seven years we are well aware that as commuter traffic ends at around 18.30 hours the local area becomes almost silent, with bird and animal noises being the only things to break the silence. Introducing a stream of additional vehicle traffic between 19:00 and 22:00 will create a fundamental change to this highly fragile part of the District, impacting significantly the natural rhythms of life for animals, birds and insects as well as severely affecting the amenities of neighbouring properties including our own.

3. The proposed variation in hours will lead to a significant increase in noise pollution caused by the café

As highlighted in the Environmental Health consultation response to the withdrawn Application DC/20/2298, the proposed extension of opening hours (variation of Condition 11) will have a multiplying impact as the increased noise from the café will take effect just as the background noise in the area reduces significantly in the evening. This background silence combined with the topographical features of the landscape mean that even modest sounds such as laughing can cover significant distances. The introduction at this point (and until 22:00) of loud conversations and laughing that are synonymous with establishments serving alcohol in the evening will have a major noise polluting effect - and will travel directly across two fields to our property and others'. This situation will be further exacerbated in the summer months when

local residents, including us, need to open windows or wish to enjoy being in their gardens - especially during the weekend.

Most significant, however, is the use of the café balcony. With extended hours this will mean the full impact of the human noise, heightened through alcohol consumption, will be directed outward from the building with no means of soundproofing without the ambient daytime noise. The noise will be akin to a busy night club but in this case, it will be in the middle of pristine and tranquil countryside. The detrimental impact on local residents' health through disturbed sleep could be significant and we have a particular concern about the impact on our and our children's sleep.

The increase in noise pollution would be in direct opposition to HDC's Local Plan Spatial Objectives 3 (preserving the unique landscape character); 4 (safeguarding environmental and biodiversity quality); and 6 (protecting amenity and the character of settlements).

4. The proposed variation in hours will lead to a significant increase in light pollution caused by the café

This area of West Sussex is one of few locations in the UK that still has dark skies at night. The location of Kinsbrook Vineyard is in close proximity to the South Downs National Park, with the surrounding area classified as an International Dark Sky Reserve. If the opening hours are extended beyond 19:00 there will be a devastating impact on the dark skies as artificial light from the parking and other areas of the enterprise create a light haze - an impact that will be worsened by the café being located on the mezzanine floor with the vast windows and balcony allowing even more light pollution to escape.

If the variation of Conditions 1 and 11 are approved the devastating impact on the dark skies will not just be in the immediate location but also for residents north of Kinsbrook Vineyard for whom the resulting horizon pollution would destroy enjoyment of the dark skies and the International Dark Sky Reserve in particular.

It is important to remember that the detrimental impact of light pollution is scientifically proven. Lord Martin Rees, Astronomer Royal, has said that the "case for controlling light pollution has scientific, educational, environment, aesthetic and economic dimensions. It's a deprivation for all of us to never see a dark night sky."

The detrimental impact of light pollution through extending the opening hours will go beyond humans. As written in 2018 in the scientifically-respected Nature magazine, light pollution "at night is exerting pervasive long-term stress on ecosystems." We believe that the impact on the wonderfully rich local ecosystem - which includes nightingales, deer and many other species - would be very significant if variation to either Condition 1 or Condition 11 were approved.

The increase in light pollution would be in direct opposition to HDC's Local Plan Spatial Objectives 3 (preserving the unique landscape character); 4 (safeguarding environmental and biodiversity quality); and 6 (protecting amenity and the character of settlements).

Kind regards