DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0913
5 Queen Street, Horsham, West Sussex, RH13 5AA

DESCRIPTION:
Proposed change of use from office to (sui generis) hot food takeaway. The installation of security shutters to shop frontage and extract duct to rear (Retrospective).

RELEVANT PLANNING HISTORY:

DC/25/0382	Installation of X1 internally illuminated hanging sign and x1 externally illuminated fascia sign above window (Retrospective).	Application Refused on 07.08.2025

DESCRIPTION OF THE SITE
The application site is located on the northern side of Queen Street within the built-up area of Horsham. The main building is a two storey mid-terrace commercial unit and lies within the identified Secondary Retail Frontage Area of the Horsham Town Centre. The unit forms part of a row of commercial properties of similar style and the rear of the property is surrounding by residential premises.

DESCRIPTION OF THE APPLICATION
The proposal seeks retrospective planning permission for a change of use from offices to (sui generis) hot food takeaway, the installation of security shutters to shop frontage and extract duct to rear.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 7 - Strategic Policy: Economic Growth
Policy 9 - Employment Development
Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres
Policy 13 - Town Centre Uses
Policy 14 - Shop Fronts and Advertisements
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 41 - Parking

Horsham Blueprint Business Neighbourhood Plan 2019-2036
Policy HB3: Character of Development
Policy HB4: Design of Development
Policy HB6: Retaining and enhancing the vitality and viability of Horsham Town Centre.

Horsham District Local Plan (2023-40) (Regulation 19):
Policy 4: Horsham Town
Policy 8: Sustainable Design and Construction

Policy 9: Water Neutrality
Policy 19: Development Quality
Policy 25: Parking
Policy 29: New Employment
Policy 30: Enhancing Existing Employment
Policy 36: Town Centre Uses

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:
HDC Environmental Health: Objection

Representations:
7 representations have been received objecting to the application on the following grounds:

- Security shutter have highly detrimental impact on the street scene, create sense of danger.
- Inappropriate in location.
- The proposed ducting to the rear of the business is going to cause a strong odor of food and grease / greasy air which could have an effect on my property.
- Far too many shops on the high street no parking will be left.
- Far too much noise pollution leaving neighbours awake all night.
- All ready far to many takeaways for a small little town.
- There is one opposite already and 2 more takeaways just around the corner this is unfair on them business that already running and will impact their business.
- The increased traffic, delivery drivers, and lack of parking will also make it harder for customers to access my business and others on the street.
- Bring more noise, smells, and litter make the area less pleasant for customers and local residents.
- Queen Street has a variety of small businesses, and rely on a clean, quiet, and accessible environment to attract and keep customers.
- Shutters are an eyesore, they invite vandalism not protection and no other shops within the parade have shutters.
- Extract duct is not in keeping with the ambience in the courtyard, It is large and unsightly.
- Rats in the alley at the rear.
- Extraction unit will vent the fumes straight into the alley.
- The inside of the piano shop smelling of burgers and kebabs.

Neighbourhood Council Comments:
Object: -

- Have already objected to illuminated signs previously.
- Position of takeaway is by zig-zag lines, pedestrian crossing and double yellow lines, making parking difficult, and increased traffic in a busy area.
- There are already parking issues at Queensway junction, on double yellow lines.
- Historically, the Council has wished to restrict takeaways in this area.
- There are residential properties to the rear (Park Terrace), which will be badly affected by the large industrial extract fan with downward exhaust, issuing fumes and odour together with associated noise, running late into the evening.
- Question the suitability of the property as a Food Premises as in the floor plans there appears to be no hand wash facilities for the staff especially outside the toilet, and the extraction fan has been installed by breaking through the roof without any weather or pest proofing.

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

Principle of Development:

Policy 13 of the Horsham District Planning Framework (HDPF) 2015 seeks to ensure that proposals for main town centre uses will be allowed within the defined town and village centre boundary, provided that:

1. Proposals are of an appropriate scale to the centres;
2. The proposal will complement the vitality and viability of the centre;
3. The proposal is accessible, relates to and is well connected to the defined Frontage(s) and Primary Shopping Area(s) of the centre where these exist; and
4. The proposal will improve the character, quality and function of the centre as a whole.

Changes from A1 to other A class uses, at ground floor level, within the designated Primary and Secondary retail frontages will normally be allowed provided that:

1. In Primary frontages, the proposal is of an A2 or A3 use, and would result in no greater than 30% of a designated retail frontage length being taken up by non-retail use.
2. In Secondary frontages, the proposal is of an A2, A3, A4 or A5 uses and result in no greater than 50% of a designated frontage length being taken up by non-retail use.
3. Unless it can be demonstrated by the applicant that the proposed change of use would contribute to the vitality and viability of the town centre.

Applications where an A3, A4 or A5 use is proposed must be accompanied by a statement giving full details of means of control of emission of fumes, storage and disposal of refuse and means of insulation.

Additionally, Policy HB6 of Horsham Blueprint Business Neighbourhood Plan aims to maintain that in the secondary shop frontage areas, development proposals that foster small, local business activity in the town centre will be supported.

The application site falls within the Secondary Retail Frontage Area identified within the HDPF, and while the Use Classes Order has evolved since the above policy was adopted, it remains the current local plan policy and must therefore be considered, albeit there are no significantly enhanced permitted development rights to and from retail.

The premises was previously used by a ‘care and nursing agency’, with this tenant continuing to occupy the western neighbouring premises. There is no planning history for this use, which (given the lack of history) would be unrestricted within Class E. The current use of the premises as a hot-food takeaway would not be unexpected within the identified secondary frontage of a town centre, and no in principle conflict with the above policy, which would warrant a refusal for the change of use, has been identified, subject to all other considerations.

Design and Appearance:

Policies 32 and 33 of the HDPF seek to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.

Policy HB3 of the Horsham Blueprint Business Neighbourhood Plan states that development is expected to preserve and enhance the Character Area in which it is located. The design of new development should take account of local context and reflect the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the Plan area.

Policy HB4 continues that development is expected to demonstrate a high quality of design, which responds and integrates well with its surroundings, meets the changing needs of residents, and minimises the impact on the natural environment.

The external extraction plant does not fit comfortably with the above policy, it is though viewed in direct association with a commercial building which forms part of the wider commercial courtyard comprising of various forms of air conditioning units sited on the rear elevations of these premises. As such, while the installation exceeds the height of the main building it is not considered to of a scale or prominence which results in an unexpected degree of visual harm.

The submission includes the installation of a roller shutter box contained within a relatively bulky housing and which, when shut, introduces a solid frontage to the premises. It is considered that the box housing represents an unsympathetic and incongruous addition to the building and the streetscene as a whole. Further, when in use the shutter detracts from the active commercial frontage which characterises this immediate locality. There is no evidence within the submission to demonstrate an overriding need for the roller shutter, and it is noted that neighbouring properties do not benefit from similar security features despite their commercial use.

The front shutter, including the fixing and attachment, results in a visual mass and weight that detracts from the modest proportions and character of the shop front, and which results in an unsympathetic and incongruous addition to the application building and the streetscene as a whole, contrary to Policy 33 of the HDPF and Policies HB4 and HB5 of the Horsham Blueprint Business Neighbourhood Plan.

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.

The premises is located on the edge of Horsham town centre in a primary commercial area, although residential properties boarder the application site within 10 metres to the rear within Park Terrance Courtyard, as well as on the upper storeys immediately above and adjacent to the application site.

The installed ducting does not allow for high-level vertical discharge, and in the absence of any natural dispersion there is likely to be a reliance of active odour abatement techniques. It has not though been demonstrated as part of the submitted information what, if any, active odour abatement provision has been included in the design of the extract ducting.

There is also the potential for noise and disturbance arising from use of the extract equipment, which an expectation that noise from plant or machinery is inaudible (above existing background noise levels) at the nearest noise sensitive premises during the operation of the extraction equipment. The application is not though accompanied by a noise assessment to demonstrate that noise from the existing extraction duct is inaudible from the nearest noise sensitive premises. This is particularly

important since background noise levels, which are likely to be dominated by road traffic, will be lower into the evening when the use would be operating.

In the absence of the above details, it cannot be concluded that the extract duct can be operated in a manner which would prevent unacceptable impacts on odour, noise and disturbance, with representations received objecting to the application on this basis. The ducting is therefore considered to be contrary to policy 33 of the HDPF.

Water Neutrality:

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

There is insufficient information within the application to demonstrate that the change of use has not resulted in increased water consumption (above that previously associated with an office use of the site), with inadequate information provided both in respect of the pre-existing baseline and of that associated with the current use.

In the absence of a strategy to demonstrate water neutrality through the incorporation of on-site measures and/or appropriate offsetting actions capable of achieving water neutrality, there is no certainty that the proposal will not contribute further to the existing adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites. There are no considerations of overriding public interest that would alternatively warrant the grant of permission under s.64 of the Regulations. In such circumstances the grant of permission would be contrary to policy 31 of the HDPF, NPPF paragraph 194 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

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).

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.

Conclusions:

Recommendation: Application Refused

Reason(s) for Refusal:

1. The front shutter results in a visual mass and weight that detracts from the modest proportions and character of the shop front, and which when in use creates an unattractive and inactive frontage in contrast to the prevailing character of the immediate surrounding area. The shutter therefore results in an unsympathetic and incongruous addition which is contrary to Policy 33 of the Horsham District Planning Framework (2015) and Policies HB4 and HB5 of the Horsham Blueprint Business Neighbourhood Plan.

2. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not result in unacceptable harm by way of odour emission, noise and vibration from the fan plant and extract duct for occupiers / users of nearby properties and land, contrary to Policy 33 of the Horsham District Planning Framework (2015).

3. Insufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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/25/0913

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	02.06.2025
Floor plan	Existing Ground	1	02.06.2025
Elevation plan	Existing Front and Rear	2	02.06.2025
Elevation plan	Existing Other side	3	02.06.2025
Elevation plan	Existing Other side	4	02.06.2025
Section plan	Existing	5	02.06.2025
Floor plan	Proposed Ground	6	02.06.2025
Elevation plan	Proposed Front and Rear	7	02.06.2025
Elevation plan	Proposed other side	8	02.06.2025
Elevation plan	Proposed other side	9	02.06.2025
Section plan	Proposed	10	02.06.2025
Location & Block plan		11	02.06.2025
Supporting Statement	Planning	NONE	14.07.2025

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 10.09.2025

Authorising Officer sign/initial Date: