Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0312
Top Paddock Farm , Kerves Lane, Horsham, West Sussex, RH13 6RJ

DESCRIPTION:
Siting of a timber clad building to house vending machines for the sale of meat and dairy products produced on the farm.

RELEVANT PLANNING HISTORY:
There is an extensive planning history for Top Paddock Farm, none of which is directly relevant to this planning application.

DESCRIPTION OF THE SITE
The application seeks planning permission to erect a general-purpose agricultural building to house vending machines for the sale of meat and dairy products produced on the farm. The building would be sited to the north-eastern side of the proposed area and would measure 29m² (8.3m x 3.5m) with a height of 2.4m.

DESCRIPTION OF THE APPLICATION
Top Paddock extends to approximately 10.3 hectares (25 acres) and is located to the east of Kerves Lane, just south of the Hard's Hill area. The site is situated due south of Horsham and is outside of the built-up area boundary in a largely rural countryside location with sporadic residential and agricultural related development.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):
Policy 1 - Strategic Policy: Sustainable Development
Policy 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

Nuthurst Parish Neighbourhood Plan
Policy 10 – Housing Design
(*N.B. although titled as referring to 'housing' the policy includes general design principles which are of relevance to this proposal*).

Nuthurst Parish Design Statement

Horsham District Local Plan (2023-40) (Regulation 19)
Policy 1: Sustainable Development
Policy 9: Water Neutrality
Policy 10: Flooding
Policy 11: Environmental Protection
Policy 13: The Natural Environment and Landscape Character
Policy 14: Countryside Protection
Policy 17: Green Infrastructure and Biodiversity
Policy 19: Development Quality
Policy 20: Development Principles
Policy 24: Sustainable Transport
Policy 25: Parking
Policy 31: Rural Economic Development

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: No Objection.

WSCC Highways: No Objection, 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 (paragraph 116), and that there are no transport grounds to resist the proposal.

Representations:
None Received

Parish Comments:
Nuthurst 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

Principle of Development:

Policy 10 of the HDPF relates to rural economic development, stating that any development should be appropriate to the countryside location and must contribute to the diverse and sustainable farming

enterprises within the district. If development cannot be contained within existing suitably located buildings, new buildings must result in substantial environmental improvement and reduce the impact on the countryside, with buildings or development in the rural area acceptable provided that it supports sustainable economic growth towards balanced living and working communities.

Policy 26 of the HDPF allows for development in the countryside provided it is essential and meets a specified criterion, including supporting agriculture, and where proposals are appropriately scaled and designed to complement the rural landscape.

Paragraphs 85 and 86 of the NPPF (2024) encourage the development and diversification of agricultural and other land-based rural businesses, recognising the importance of enabling such activity even in areas not well served by public transport.

The proposed development involves the siting of a modest, timber-clad building to accommodate a refrigerated vending machine for the sale of farm-produced milk and meat products at Top Paddock Farm. There are no existing buildings in a comparable location which could be used (in place of the proposed building), with the proposed siting reflecting the existing access arrangement. While the site lies outside the defined built-up area boundary, it is acknowledged that the proposed structure directly supports an existing agricultural enterprise and aims to enhance its economic viability through on-site diversification.

It is considered that in principle the proposal sufficient accords with Policy 10 of the HDPF, and raises no conflict in respect of Policy 26 of the HDPF.

Character 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.

The proposed building is modest in scale, measuring 8.3m x 3.5m (29.05m^2), with a maximum height of 2.4m, and would be constructed with a timber-clad, steel frame design. The building would adjoin a new area of hardstanding for vehicular parking, accessed off the existing farm entrance arrangement. The building is of no particular design merit but would represent an innocuous and low-key addition to the site. There is existing development present opposite the site, which encompasses a series of building forms and uses, and the proposed building would not stand out as being unduly isolated or remote.

The site features existing screening to the front and (northern) side boundaries, which the submitted plans indicate would be retained as part of the development. The presence of this screening would lessen the impact arising from the hardstanding and outbuilding, with the siting and nature of the works such that no impacts on the retention of this screening is envisaged.

It is considered that the development would have an acceptable impact on the character and appearance of the site and wider surrounding area, and is in accordance with the above policies.

Residential Amenity:

Policy 33 of the HDPF requires that new developments do not cause unacceptable harm to the amenity of nearby properties and land.

The nearest residential properties, including 1 and 2 Bourne Hill Cottages, are located approximately 20 metres to the north-west, separated by established vegetation and the driveway. This relationship would be sufficient to ensure no unacceptable harm from the structure or related hardstanding.

The scale of the proposal would not be expected to result in a significant level of activity at the site, and the potential for harmful levels of noise or disturbance would be limited. The Local Highway Authority

does not consider the proposal would create a significant demand for travel, with the nature of the use likely to attract a small number of trips during daytime hours. The Council's Environmental Health Team has raised no objections to the proposal and does not recommend any conditions to control the nature of the use.

It is though recognised that an unrestricted use, in terms of the activity taking place in the building and the hours of use, would potentially result in potential for noise during parts of the night where background noise levels would be extremely low. A condition is therefore recommended to restrict the use to that proposed, and in connection with produce derived from Top Paddock Farm, and to control opening hours and prevent early or late noise disturbance, particularly from the running of engines and sudden noise events created by vehicle doors being closed. It is considered that subject to these conditions the potential for unacceptable harm would be mitigated, with the resulting impacts considered to be acceptable and in accordance with the above policy.

Highways Impacts:

Policies 40 and 41 of the Horsham District Planning Framework state that development should provide a safe and adequate access, suitable for all users.

The application proposes the siting of a timber-clad building to house vending machines for the sale of farm produce, located on Kerves Lane, a C-classified road subject to a 40-mph speed restriction in this area. The existing access point on Kerves Lane will be utilized for the development and based on an inspection of the West Sussex County Council (WSCC) mapping, no visibility concerns have been identified with the current access point. Given the small scale of the proposed development, the Local Highway Authority (LHA) does not anticipate a significant material intensification of traffic or use of the existing access.

A small parking area, providing 3-4 parking spaces, is proposed at the front of the site to serve the building. The LHA considers this parking provision to be adequate given the scale of the proposed operation. Additionally, on-site turning appears to be achievable, allowing vehicles to turn and exit the site in a forward gear. In summary, the LHA does not believe the proposal will result in any unacceptable impact on highway safety or cause severe cumulative impacts on the operation of the highway network. As such, the development is not considered to be contrary to the National Planning Policy Framework (NPPF), particularly paragraph 116, and there are no transport-related grounds to oppose the proposal.

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.

In the case of the proposed development, no increase in water usage is proposed. The building is solely for housing a refrigerated vending machine and does not include any plumbed water facilities, such as toilets, sinks, or dairy-processing equipment. The milk and meat products sold will be pre-packaged offsite in existing farm buildings that already fall under previously assessed permissions (e.g., DC/17/1166).

There will be no new occupants, no new water fixtures, and no additional water demand as a direct result of this development. As such there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive use of the site which would

necessitate an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 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) 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 Applicant has submitted a Biodiversity Metric which demonstrates a 14% net gain is achievable by way of onsite biodiversity gains. A condition requiring the submission of the Biodiversity Gain Plan is applied.

Conclusions:

The proposed development, which involves the siting of a timber-clad building to house vending machines for the sale of farm produce, is considered compliant with relevant national and local planning policies. The development supports rural diversification and strengthens the local economy by providing a direct outlet for farm-produced goods. The building's design, modest in scale and sympathetic to its rural surroundings, ensures minimal visual impact and no harm to residential amenity. Additionally, the development will not cause significant highway safety issues, as confirmed by the Local Highway Authority.

The application has also addressed water neutrality, with no increase in water usage expected, and complies with biodiversity requirements, as the minimal impact of the development exempts it from Biodiversity Net Gain calculations. Given these factors, the proposal aligns with sustainable rural development objectives and is deemed acceptable in planning terms.

Recommendation: Application Permitted

Conditions:

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3 **Pre-Commencement (Slab Level) Condition**: No development above ground floor slab level shall take place until full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include materials for new hard surfaces, details of planting to be retained and protected during works, and details of new planting.

The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape character and form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Regulatory Condition**: No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6 **Regulatory Condition**: The development hereby permitted shall not be open or in use except between the hours of 08:00 and 21:00 Monday to Sunday (inclusive).

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7 **Regulatory Condition**: The development hereby permitted shall be used solely for the sale of goods produced on Top Paddock Farm, as identified on the approved plans. The building shall not be used for any other purposes whatsoever, including but not limited to retail or agricultural use(s), without express planning consent first being obtained from the Local Planning Authority.

Reason: To protect the rural character of the area and to accord with Policies 10, 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.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk).

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/25/0312
(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
Supporting Statement	Pre-Development Plan	NONE	28.02.2025
Design & Access Statement		NONE	28.02.2025
Supporting Statement	Biodiversity metric	NONE	28.02.2025
Site plan		002	28.02.2025
Location plan		NONE	28.02.2025
Supporting Statement	Biodiversity gain plan	NONE	28.02.2025
Elevation & Floor plan		001	28.02.2025

DELEGATED

Authorising Officer sign/initial Guy Everest Date: 30.05.2025