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Date: 7th September 2026

Dear Inspector,

**The Change of use of a building to provide 9 residential units at
Bentley House North Heath Lane Industrial Estate North Heath Lane Horsham**

National Planning Policy Framework 2026 Publication Council Final Comments

The Council refers to your correspondence sent on 7th September 2026 inviting comments on the implications of the National Planning Policy Framework published on 17 August 2026. This response comes in response to the letter sent by Mr Matt Smith from D & M Planning.

Introduction

The Council has reviewed the appellant's comments regarding the implications of the National Planning Policy Framework (2026) and the weight that should be attributed to the revised national policy position in the determination of this appeal.

The Council accepts that the Framework published on 17 August 2026 is a material consideration and should be taken into account in determining the appeal. The Council also acknowledges that the revised Framework places increased emphasis on housing delivery, the efficient use of previously developed land and the need to boost the supply of homes.

However, the Council does not agree that the changes identified by the appellant materially alter the planning balance in this case. The benefits arising from the provision of additional housing, the reuse of an existing building and the site's location within the Built-Up Area Boundary were all recognised by the Council within its Statement of Case and were given appropriate weight in the Council's overall assessment.

The principal matters in dispute remain unchanged. The appeal proposal would result in the permanent loss of an established employment building within the North Heath Lane employment area, introduce a sensitive residential use into an active commercial environment, and fail to demonstrate that future occupiers would be provided with an acceptable standard of residential amenity. In the Council's view, neither the appellant's submission nor the publication of the revised Framework diminishes the significance of these concerns.

Furthermore, the Council continues to attach moderate weight to emerging Strategic Policy 30 of the Horsham District Local Plan, reflecting its advanced stage of preparation. The proposed Main Modifications reinforce the objective of safeguarding employment sites and premises and do not materially alter the Council's position that robust evidence is required to demonstrate that an employment site or premises is no longer needed and no longer viable for employment use before alternative uses should be supported.

Accordingly, whilst the Council acknowledges that the revised Framework is a material consideration, it remains of the view that the appellant's submission does not demonstrate that the proposal should be granted planning permission when assessed against the development plan and material considerations as a whole, nor does it alter the Council's conclusion that the appeal should be dismissed.

Areas of Agreement

The Council agrees with the appellant that the National Planning Policy Framework (2026) is a material consideration in the determination of this appeal and that the revised Framework should be applied in accordance with the transitional arrangements set out in Annex A.

The Council also agrees that the proposal would contribute towards housing delivery through the provision of 9 additional dwellings within a sustainable location inside the Horsham Built-Up Area Boundary. The Council has consistently acknowledged that the delivery of additional homes attracts weight in favour of the proposal, particularly in light of the Council's current housing land supply position.

The Council further accepts that the appeal proposal would involve the reuse of an existing vacant building on previously developed land. The efficient use of land and the reuse of an existing structure are material benefits which were recognised within the Council's Statement of Case and remain relevant considerations under the revised Framework.

The Council also agrees that the appellant's marketing evidence demonstrates that Bentley House has been vacant for a prolonged period and has been subject to ongoing marketing efforts. The Council does not dispute the fact of vacancy or the existence of marketing activity. Rather, the dispute relates to whether the evidence provided is sufficient to demonstrate that the premises are no longer needed or viable for employment purposes, having regard to the policy requirement to safeguard employment land and premises.

Similarly, the Council acknowledges that the revised Framework places increased emphasis on housing delivery and the effective use of previously developed land. However, the Council's Statement of Case already recognised these benefits and attributed weight to them within the planning balance. The dispute between the parties is therefore not whether the proposal delivers housing benefits or reuses a vacant building, but whether those benefits outweigh the identified harms arising from the loss of employment floorspace, the impact on the function of the wider employment area, and the living conditions of future occupiers.

Accordingly, whilst there is a significant degree of agreement between the parties regarding the benefits of the proposal, the Council considers that the principal matters in dispute remain unchanged and continue to turn on the acceptability of the proposed residential use in this particular location.

Loss of Employment Use

The Council maintains that the publication of the National Planning Policy Framework (2026) does not materially alter its position regarding the unjustified loss of employment floorspace arising from the proposal.

The appellant places considerable reliance on the fact that Bentley House has been vacant for an extended period and that the building has been marketed since 2020. The Council does not dispute either of these matters. However, vacancy and marketing evidence alone do not demonstrate that a site is no longer required, needed or capable of supporting employment uses. The central issue remains whether sufficient evidence has been provided to justify the permanent loss of an established employment building, and the Council's position is that it has not.

As set out within the Council's Statement of Case, Bentley House forms part of the long-established North Heath Lane employment area, which has a substantial planning history associated with office, industrial, workshop and storage uses. The building was purpose-built for employment purposes and remains physically capable of accommodating office and other commercial activities. The marketing particulars submitted by the appellant consistently describe the premises as high-quality office accommodation within an established commercial estate and indicate that the building is available either as a whole or on a floor-by-floor basis. The marketing material also suggests that alternative uses may be considered subject to planning permission. In the Council's view, this does not demonstrate that the premises are unsuitable for employment use; rather, it indicates that the building continues to possess attributes capable of attracting commercial occupiers.

The Council remains concerned that the evidence submitted focuses primarily on the difficulties associated with securing an occupier for the building in its current circumstances rather than demonstrating that the premises are no longer needed or viable for employment use in the longer term. Limited evidence has been provided regarding refurbishment opportunities, reconfiguration of the accommodation, subdivision into smaller units, flexible workspace provision, or other alternative employment scenarios which may better reflect changing market requirements. The Council therefore remains unconvinced that all reasonable opportunities to retain the building in employment use have been fully explored.

The Council further notes that the revised Framework continues to support economic growth and the retention of premises capable of supporting business activity. Whilst the Framework places increased emphasis on housing delivery and the effective use of previously developed land, the Council does not consider those objectives to automatically justify the loss of employment premises where there remains a reasonable prospect of continued commercial use. The fact that a building is currently vacant does not, in itself, establish that it no longer performs or could no longer perform an economic function.

Significant weight also continues to be attributed to the role of the wider employment area. Bentley House does not exist in isolation but forms part of an established and functioning employment estate that accommodates a range of commercial activities. The permanent loss of employment floorspace contributes to the erosion of the District's stock of commercial

premises and undermines the objective of maintaining a sufficient range and choice of employment accommodation to support existing businesses and future economic growth. The Council also continues to attach moderate weight to emerging Strategic Policy 30 of the Horsham District Local Plan. North Heath Lane Industrial Estate is identified within the emerging policy framework as a Key Employment Area and is afforded the highest level of protection for employment uses. As previously set out in the Council's correspondence regarding the proposed Main Modifications, the modifications reinforce, rather than weaken, the objective of safeguarding employment sites and premises. The modified policy continues to require robust evidence demonstrating that both the premises and the site are no longer needed and no longer viable for employment use before alternative uses are supported.

For these reasons, the Council remains of the view that insufficient evidence has been provided to demonstrate that Bentley House is no longer required or viable for employment purposes. Consequently, the Council considers that the publication of the National Planning Policy Framework (2026) does not materially alter its conclusion that the proposal would result in an unjustified loss of employment floorspace and would conflict with the objectives of both adopted and emerging planning policy.

Impact on the Function of the Employment Area

The Council remains of the view that the publication of the National Planning Policy Framework (2026) does not materially alter its concerns regarding the effect of the proposal on the continued operation, integrity and function of the wider North Heath Lane employment area.

Bentley House forms part of the established North Heath Lane Industrial Estate, a long-standing employment area accommodating a range of office, business, industrial, workshop, storage and distribution activities. The estate continues to perform an important economic function and is characterised by commercial vehicle movements, deliveries, servicing activity, loading and unloading operations, external circulation, and the day-to-day activities commonly associated with a functioning employment area. Whilst residential development exists beyond the boundaries of the estate, the internal character and purpose of the estate remains fundamentally commercial.

The Council's concern extends beyond the loss of the appeal building itself and relates to the effect that introducing a sensitive residential use would have on the wider functioning of the employment area. Future occupiers of the proposed flats would be situated within the operational core of an active employment estate and would be exposed to the noise, activity and disturbance generated by surrounding businesses undertaking lawful commercial operations.

The Council considers that the introduction of permanent residential accommodation would create an inherently incompatible relationship between future residents and surrounding employment uses. Whilst existing businesses may continue to operate lawfully, the presence of residential occupiers has the potential to generate complaints relating to noise, servicing activity, vehicle movements, hours of operation and general commercial activity. Over time, this may place pressure on surrounding businesses to modify or restrict their operations in order to accommodate the expectations of residential occupiers.

Importantly, the Council's concerns are not limited to existing activities currently taking place within the estate. Commercial premises routinely evolve over time through changes of occupier, alterations to operating practices, business expansion and the exercise of lawful planning rights. The estate must be capable of adapting to changing economic circumstances if it is to remain a successful and attractive employment location. The introduction of residential units within the estate has the potential to constrain that flexibility and undermine the ability of surrounding businesses to invest, expand and adapt their operations in the future.

The appellant places significant emphasis on the mixed character of the surrounding area and the proximity of residential development beyond the boundaries of the estate. However, the Council does not consider that this diminishes the importance of maintaining the integrity of the employment area itself. Existing residential development generally occupies locations outside the operational environment of the estate, whereas the proposal would introduce residential occupiers directly within an active commercial setting. This distinction is significant and remains central to the Council's concerns.

The Council also considers that the revised Framework reinforces the importance of ensuring that existing businesses are able to operate effectively without unreasonable restriction arising from neighbouring development. In the Council's view, the principle that established commercial activities should not be prejudiced by the subsequent introduction of sensitive uses directly supports the Council's concern regarding the creation of potential land use conflict within the estate. The Council therefore does not agree that the revised Framework weakens the Council's position on this issue. Rather, it reinforces the need to carefully consider the consequences of introducing residential accommodation into an established employment environment.

Further weight is attributed to the emerging Horsham District Local Plan, which identifies North Heath Lane Industrial Estate as a Key Employment Area. As the Council has previously set out in its comments regarding the proposed Main Modifications to Strategic Policy 30, the emerging policy framework continues to emphasise the importance of safeguarding employment sites and premises and ensuring that they remain available to support economic activity. The proposed modifications strengthen the strategic objective of retaining and enhancing employment land and do not diminish the importance of protecting the functional integrity of established employment areas.

The Council therefore remains concerned that the proposal would erode the commercial character of the estate, introduce an incompatible residential use into an active employment environment, and create the potential for future conflict between residential occupiers and surrounding businesses. For these reasons, the Council considers that neither the appellant's submissions nor the publication of the National Planning Policy Framework (2026) materially alter its conclusion that the proposal would be harmful to the continued operation, flexibility and long-term function of the wider employment area.

Living Conditions

The Council maintains that the publication of the National Planning Policy Framework (2026) does not materially alter its position regarding the suitability of the proposed living conditions for future occupiers of the development.

The appellant's submissions place considerable emphasis on the ability of technical mitigation measures to address potential noise impacts arising from the surrounding commercial environment. However, the Council's concerns are not limited solely to whether internal noise standards can theoretically be achieved within habitable rooms. Rather, the fundamental issue is whether the site is capable of providing a high-quality residential environment when considered in the round, having regard to its location within the operational core of an active employment estate.

As set out within the Council's Statement of Case, Bentley House is surrounded by a range of commercial premises, servicing areas, access roads, parking courts and operational activities associated with the North Heath Lane Industrial Estate. These activities include vehicle movements, deliveries, loading and unloading operations, servicing activity and the day-to-day functioning of neighbouring businesses. Such activity is an inherent and expected characteristic of an established employment area and contributes to its commercial function.

The Council acknowledges that mitigation measures may reduce internal noise levels experienced within the proposed flats. However, achieving acceptable internal acoustic standards does not, in itself, demonstrate that an acceptable residential environment would be created. Future occupiers would continue to experience the wider effects of living within an active employment estate, including the presence of commercial activity, vehicle movements and operational disturbances immediately outside the building. The Council remains concerned that the proposed development would result in residents occupying accommodation within an environment that is fundamentally commercial rather than residential in character.

The Council also notes that future occupiers would have limited opportunities to enjoy external residential amenity. The site does not benefit from meaningful private amenity space and residents would remain heavily reliant on the surrounding environment for their day-to-day residential experience. Whilst the proximity of Pondtail Park is acknowledged as a benefit, access to public open space does not overcome the constraints arising from the immediate industrial estate setting.

Importantly, the Council's concerns extend beyond current site conditions. The surrounding commercial units retain the ability to change occupier, alter operating practices and adapt to changing business requirements over time. As a result, the living conditions experienced by future occupiers would remain dependent upon activities taking place within a functioning employment area whose primary purpose is to support commercial rather than residential uses. The Council remains concerned that this relationship is inherently constrained and does not provide the certainty associated with a suitable long-term residential environment.

The revised Framework continues to emphasise the importance of securing healthy, safe and high-quality places. In the Council's view, these objectives require consideration not only of technical compliance with individual standards but also of the overall quality of the environment that future occupiers would experience. The Council does not consider that the appellant has demonstrated that the proposed development would provide a satisfactory residential environment when assessed in the context of its surroundings and the operational characteristics of the wider estate.

Accordingly, whilst the Council acknowledges the mitigation measures put forward by the appellant, it remains of the view that the proposal would fail to provide future occupiers with an acceptable standard of residential amenity. The Council therefore considers that neither the appellant's submissions nor the publication of the National Planning Policy Framework (2026) materially alter its conclusion that the proposal would result in poor living conditions for future residents.

Housing Delivery and the Planning Balance

The Council acknowledges that the revised Framework places increased emphasis on housing delivery and that the proposal would contribute towards meeting housing needs through the provision of 9 dwellings within the Built-Up Area Boundary of Horsham. The Council also accepts that the site comprises previously developed land and that the proposal would involve the reuse of an existing vacant building. These are material benefits which attract weight in favour of the proposal and which have been recognised throughout the Council's assessment of the appeal.

The Council further acknowledges that the District remains unable to demonstrate a five-year supply of deliverable housing sites and that the presumption in favour of sustainable development remains engaged. The Council has consistently accepted that the delivery of additional housing should attract significant weight in the planning balance.

However, the revised Framework does not create a presumption that all residential development proposals should be approved, nor does it require housing benefits to automatically outweigh all competing planning considerations. Rather, the proposal must continue to be assessed against the Framework as a whole.

In the Council's view, the benefits associated with the delivery of 9 dwellings are modest in scale and were already afforded appropriate weight within the Council's Statement of Case. The revised Framework may increase the weight to be attributed to housing delivery generally, but it does not diminish the significance of the harms identified in this case.

The Council remains of the view that the proposal would result in the unjustified loss of established employment floorspace, would introduce an incompatible residential use within an active employment area, and would fail to provide an acceptable residential environment for future occupiers. These harms would be permanent in nature and relate to fundamental land-use compatibility issues which have not been overcome by the appellant's submissions.

The Council acknowledges that the presumption in favour of sustainable development is engaged. However, the revised Framework does not change the requirement for decision makers to assess whether adverse impacts outweigh the benefits when assessed against the Framework as a whole. The Council's position remains that the identified harms are of substantial weight and continue to outweigh the benefits associated with the delivery of 9 dwellings.

The Council therefore considers that the publication of the National Planning Policy Framework (2026) does not materially alter the overall planning balance. Whilst the housing benefits continue to attract substantial weight, the Council remains of the view that the adverse

impacts of the proposal outweigh those benefits when assessed against the Framework as a whole.

Overall Conclusion

The Council accepts that the National Planning Policy Framework (2026) is a material consideration and acknowledges that the proposal would deliver 9 additional dwellings through the reuse of a vacant building on previously developed land. The Council also accepts that, in the context of the Council's housing land supply position, these benefits attract substantial weight in favour of the proposal.

However, the Council does not agree that either the appellant's submissions or the publication of the revised Framework materially alter the principal issues in dispute or the overall planning balance. The Council remains of the view that insufficient evidence has been provided to demonstrate that the appeal site is no longer needed or viable for employment use, and that the proposal would result in the unjustified loss of established employment floorspace within the North Heath Lane employment area. The Council also remains concerned that the introduction of residential accommodation into the operational core of an active employment estate would create an incompatible relationship between future occupiers and surrounding businesses, to the detriment of the continued operation, flexibility and long-term function of the wider employment area.

Furthermore, the Council continues to consider that the proposal fails to demonstrate that future occupiers would be provided with a high-quality residential environment, having regard to the site's location within an active commercial setting and the characteristics of the surrounding employment area.

The Council acknowledges that the presumption in favour of sustainable development is engaged and that substantial weight should be attributed to the housing benefits of the proposal. However, for the reasons set out above, the Council remains of the view that the proposal would result in the unjustified loss of employment floorspace, harm the function of the wider employment area, and fail to provide an acceptable residential environment for future occupiers. These harms remain substantial and unresolved. Accordingly, neither the appellant's submission nor the publication of the National Planning Policy Framework (2026) materially alters the Council's position that the appeal should be dismissed.

Accordingly, the Council's position remains that the appeal should be dismissed.

Yours faithfully,

Daniel Holmes MSC MRTPI
Senior Planning Officer