



Email: [committeeservices@horsham.gov.uk](mailto:committeeservices@horsham.gov.uk)  
Direct line: 01403 215465

# Planning Committee (North)

Tuesday, 7th March, 2023 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

|              |                             |                    |
|--------------|-----------------------------|--------------------|
| Councillors: | John Milne (Chairman)       |                    |
|              | Clive Trott (Vice-Chairman) |                    |
|              | Matthew Allen               | Gordon Lindsay     |
|              | Andrew Baldwin              | Tim Lloyd          |
|              | Tony Bevis                  | Colin Minto        |
|              | Martin Boffey               | Christian Mitchell |
|              | Toni Bradnum                | Jon Olson          |
|              | Alan Britten                | Louise Potter      |
|              | Karen Burgess               | Sam Raby           |
|              | Peter Burgess               | Stuart Ritchie     |
|              | Christine Costin            | David Skipp        |
|              | Ruth Fletcher               | Ian Stannard       |
|              | Billy Greening              | Claire Vickers     |
|              | Tony Hogben                 | Belinda Walters    |
|              | Liz Kitchen                 | Tricia Youtan      |
|              | Richard Landeryou           |                    |

You are summoned to the meeting to transact the following business

Jane Eaton  
Chief Executive

## Agenda

|  | Page No. |
|--|----------|
| <b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>  |          |
| 1. <b>Apologies for absence</b>  |          |
| 2. <b>Minutes</b>  | 7 - 12   |
| <p>To approve as correct the minutes of the meeting held on 7 February 2023.<br/>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</p> |          |
| 3. <b>Declarations of Members' Interests</b>   |          |
| <p>To receive any declarations of interest from Members of the Committee</p>   |          |

4. **Announcements**

To receive any announcements from the Chairman of the Committee or the Chief Executive

**To consider the following reports of the Head of Development & Building Control and to take such action thereon as may be necessary:**

5. **Appeals** 13 - 14

Applications for determination by Committee:

6. **DC/21/2733 Stafford House, Bonnetts Lane, Ifield, Crawley.** 15 - 36

Ward: Colgate and Rusper  
Applicant: Mrs Kazmi

7. **DC/22/1976 Holmbush Farm, Crawley Road, Faygate.** 37 - 54

Ward: Colgate and Rusper  
Applicant: Mr Piers Calvert

8. **DC/22/1933 Woodshed Music Ltd, Unit 1, Blatchford Close, Horsham** 55 - 66

Ward: Roffey South  
Applicant: Mr Rohan Hill

9. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

# Agenda Annex

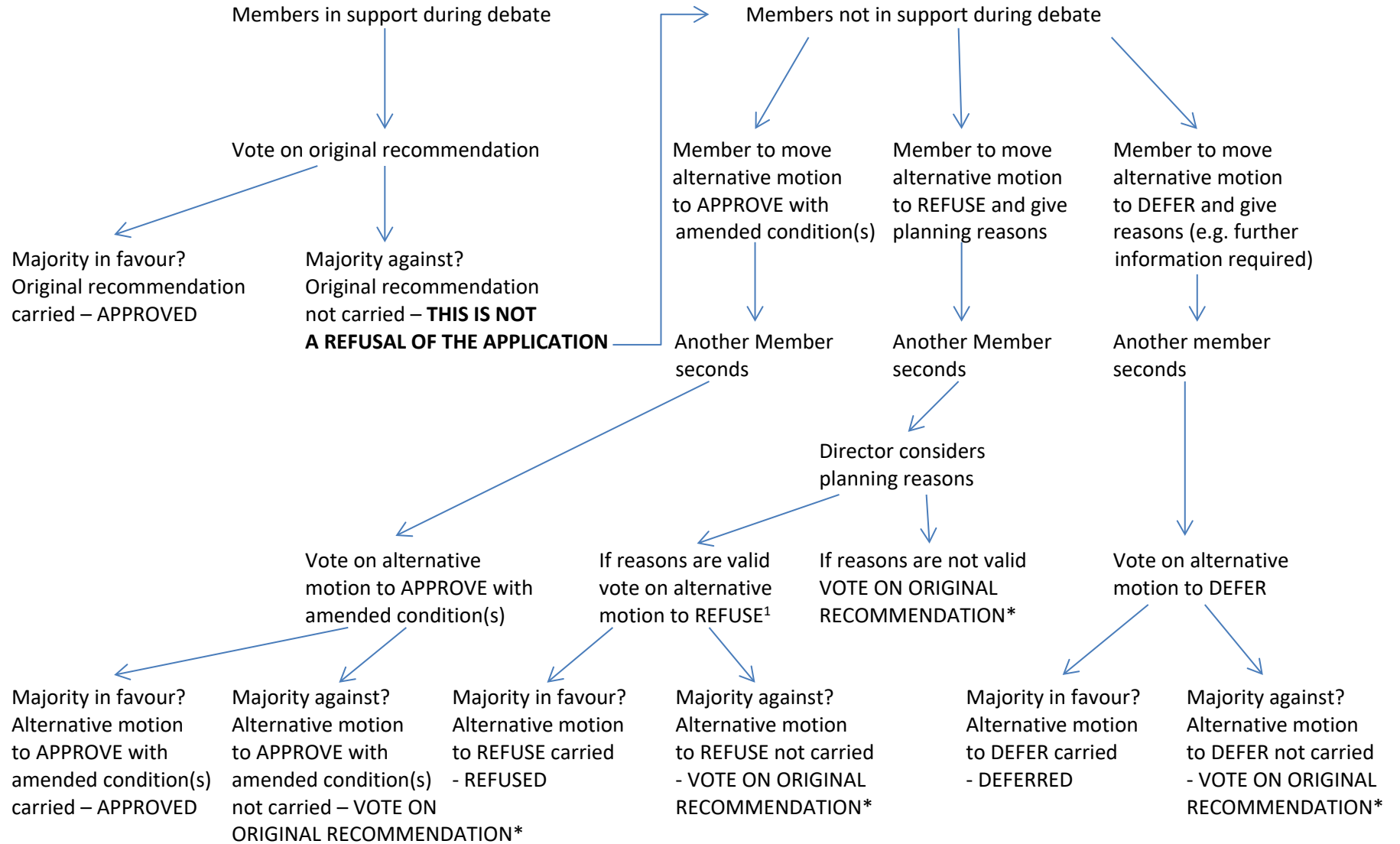
## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(Full details in Part 4a of the Council's Constitution)

|  |  |
|--|--|
| <b>Addressing the Committee</b>  | Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.  |
| <b>Minutes</b>   | Any comments or questions should be limited to the accuracy of the minutes only.   |
| <b>Quorum</b>  | Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.   |
| <b>Declarations of Interest</b>  | Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.   |
| <b>Announcements</b>   | These should be brief and to the point and are for information only – <b>no debate/decisions</b> .   |
| <b>Appeals</b>   | The Chairman will draw the Committee's attention to the appeals listed in the agenda.  |
| <b>Agenda Items</b>  | The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.  |
| <b>Public Speaking on Agenda Items</b><br>(Speakers must give notice by not later than noon two working days before the date of the meeting) | Parish and neighbourhood councils in the District are allowed <b>5</b> minutes each to make representations; members of the public who object to the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes; applicants and members of the public who support the planning application are allowed <b>2</b> minutes each, subject to an overall limit of <b>6</b> minutes. Any time limits may be changed at the discretion of the Chairman.  |
| <b>Rules of Debate</b>   | <p><b>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</b></p> <ul style="list-style-type: none"> <li>- No speeches until a proposal has been moved (mover may explain purpose) and seconded</li> <li>- Chairman may require motion to be written down and handed to him/her before it is discussed</li> <li>- Secunder may speak immediately after mover or later in the debate</li> <li>- Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max <b>5</b> minutes or longer at the discretion of the Chairman)</li> <li>- A Member <b>may not speak again except:</b> <ul style="list-style-type: none"> <li>o On an amendment to a motion</li> <li>o To move a further amendment if the motion has been amended since he/she last spoke</li> <li>o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried)</li> <li>o In exercise of a right of reply. Mover of original motion</li> </ul> </li> </ul> |

|                                      |   |
|--------------------------------------|---|
|                                      | <p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> <li>○ On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final.</li> <li>○ Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman’s ruling on the admissibility of the personal explanation will be final.</li> </ul> <ul style="list-style-type: none"> <li>- Amendments to motions must be to: <ul style="list-style-type: none"> <li>○ Refer the matter to an appropriate body/individual for (re)consideration</li> <li>○ Leave out and/or insert words or add others (as long as this does not negate the motion)</li> </ul> </li> <li>- One amendment at a time to be moved, discussed and decided upon.</li> <li>- Any amended motion becomes the substantive motion to which further amendments may be moved.</li> <li>- A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion).</li> <li>- A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion).</li> <li>- The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).</li> </ul> |
| <b>Alternative Motion to Approve</b> | <p>If a Member moves an alternative motion to approve the application contrary to the Planning Officer’s recommendation (to refuse), and it is seconded, Members will vote on the alternative motion after debate. If a majority vote against the alternative motion, it is not carried and Members will then vote on the original recommendation.</p>  |
| <b>Alternative Motion to Refuse</b>  | <p>If a Member moves an alternative motion to refuse the application contrary to the Planning Officer’s recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Head of Development will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.</p>  |
| <b>Voting</b>                        | <p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> <li>- Two Members request a recorded vote</li> <li>- A recorded vote is required by law.</li> </ul> <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>  |
| <b>Vice-Chairman</b>                 | <p>In the Chairman’s absence (including in the event the Chairman is required to leave the Chamber for the debate and vote), the Vice-Chairman controls the debate and follows the rules of debate as above.</p>  |

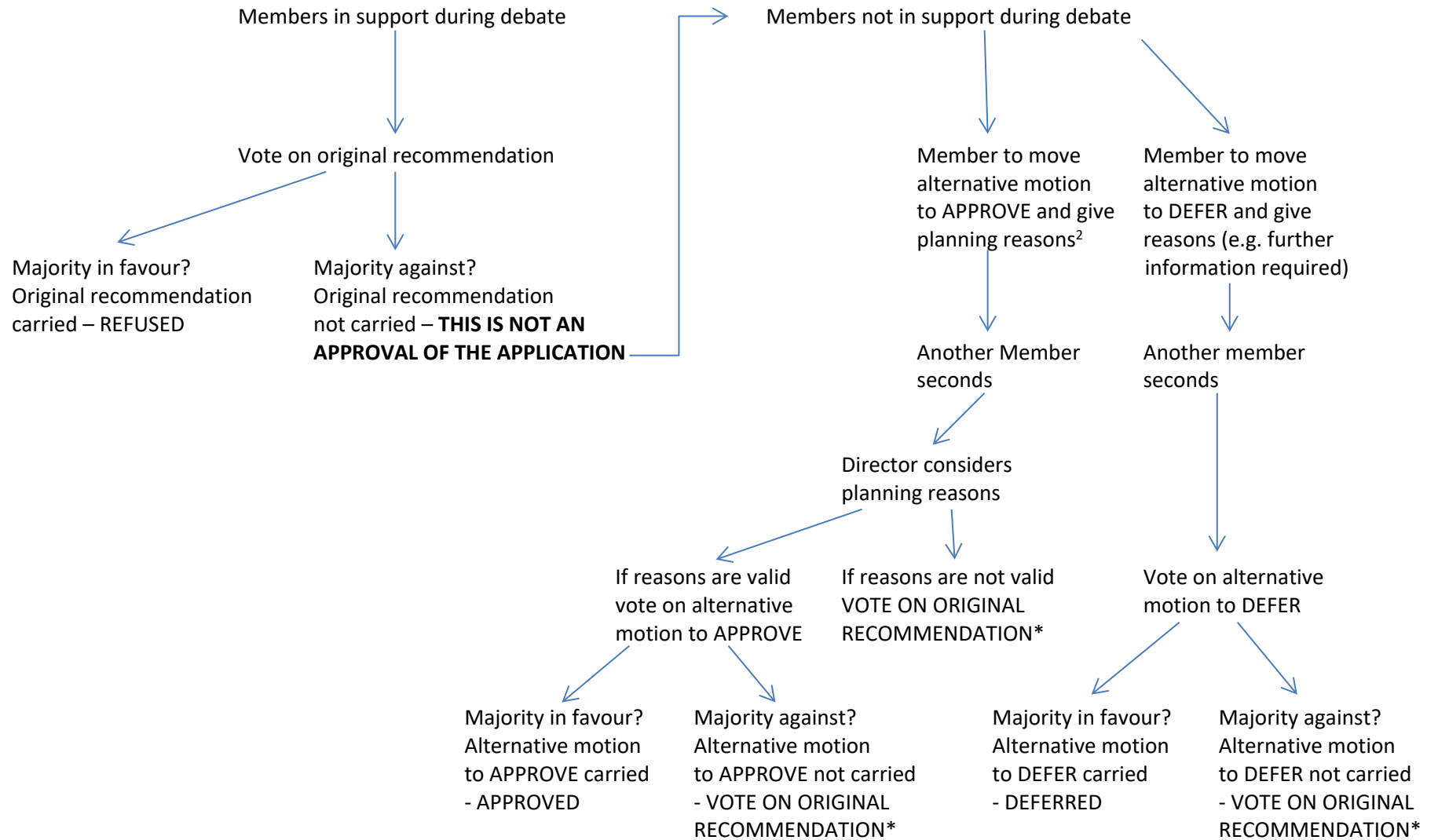
**Original recommendation to APPROVE application**



\*Or further alternative motion moved and procedure repeated

<sup>1</sup> Subject to Director's power to refer application to Full Council if cost implications are likely.

**Original recommendation to REFUSE application**



\*Or further alternative motion moved and procedure repeated

<sup>2</sup> Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

**Planning Committee (North)**  
**7 FEBRUARY 2023**

Present: Councillors: John Milne (Chairman), Tony Bevis, Martin Boffey, Toni Bradnum, Alan Britten, Karen Burgess, Peter Burgess, Ruth Fletcher, Billy Greening, Tony Hogben, Richard Landeryou, Colin Minto, Christian Mitchell, Jon Olson, Louise Potter, Sam Raby, Stuart Ritchie, David Skipp, Claire Vickers, Belinda Walters and Tricia Youtan

Apologies: Councillors: Matthew Allen, Andrew Baldwin, Christine Costin, Liz Kitchen, Gordon Lindsay, Tim Lloyd and Ian Stannard

Absent: Councillors: Clive Trott

PCN/48 **MINUTES**

The minutes of the meeting held on 10 January 2023 were approved as a correct record and signed by the Chairman.

PCN/48 **MINUTES**

The minutes of the meeting held on 10 January 2023 were approved as a correct record and signed by the Chairman.

PCN/49 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/21/2873 Councillor Stuart Ritchie declared a personal & prejudicial interest as he had a close association with a neighbouring land owner. He withdrew from the meeting and did not take part in the debate or vote.

DC/22/1474 Councillor Billy Greening declared a personal interest as he had previously been a member of Roffey Football Club.

PCN/50 **ANNOUNCEMENTS**

There were no announcements.

PCN/51 **APPEALS**

The list of appeals lodged, appeals in progress and appeal decisions, as circulated were noted.

PCN/52 **DC/21/2873 NOWHURST BUSINESS PARK, GUILDFORD ROAD,  
BROADBRIDGE HEATH**

The Head of Development & Building Control reported that this application sought to renew a previous Outline planning application DC/17/2131 which expired on 27 February 2022.

The application seeks renewed permission for the same quantum of development as the previous planning permission, for development of up to 26,942sqm (GIA) for E (g. iii) (industrial processes), B2 (general industrial) and B8 (storage and distribution) employment uses with ancillary offices, car parking, associated drainage works, landscaping and service yard areas. Permission would be subject to appropriate conditions and the completion of a Section 106 Legal Agreement.

The proposal was a resubmission of the previous permitted scheme with three changes, which were:

- i. That any permission has a duration of 5 years (instead of 3) to allow for sufficient time to secure development of the site in its entirety; and
- ii. Amendment to the night-time operating restrictions for Zone 1 only, at the site, to allow for activity on the external areas within this zone over the night-time period.
- ii. The previous proposal for Class B1c (light industrial) units has now been replaced with a proposal for Class E (g. iii) units in line with the national changes to the Use Class Order which was updated in September 2020.

The site is currently unused, but is a previous industrial and landfill site of around 11.1 hectares, with direct access off the A281. The principal activities on the site have historically taken place on the southernmost part of the site adjacent to Nowhurst Lane.

The southern boundary of the site is formed of close boarded fencing that immediately abuts Nowhurst Lane. Nowhurst Lane is rural in character, with a mix of cottage-style dwellings set along its northern side, and woodland to its southern side. The woodland includes public footpaths and a campsite. Two grade II listed buildings, Smithawe Farm and Old Strood, sit close to the south-eastern site boundary, separated from the site by a large bund set within woodland. A further grade II listed building, Farlington School, sits to the east of the site to the opposite side of the A281.

Members noted the planning history of the application.

The Parish Council objected to the proposal. 23 letters of objection had been received from 20 households.



The Parish Council and three additional speakers spoke in objection to the proposal and the applicant spoke in support.

Members acknowledged the concerns raised by local residents and the Parish Council. It was however considered that extensive conditions had been put in place to address these concerns and the Council were confident these could be enforced. It was also noted that the site had been identified in the latest economic growth assessment as a necessary commercial area in the district for local economic growth.

Members discussed lighting, water neutrality and gating between zones on the site and the pre-existing gate at the site entrance. Clarity was also gained on protecting the local countryside with extensive bunds and planting around the edge of the site as well as noise management plan submission at each phase of occupation on the site.

Discussion considered the site not being easily reached by sustainable transport methods. Since April 2022 West Sussex County Council had a new Network Management Duty derived from Government where consideration was being given to re-allocate road space for walking or cycling. It was suggested that improvements could be made from the site eastwards and improved traffic enforcement along Strood Lane. It was suggested that additional provision of funds to facilitate this from the applicant could be explored.

It was therefore proposed and seconded for an alternative motion.

#### RESOLVED

That DC/21/2873 be delegated to the Head of Building & Development Control with a view to approval subject to consideration of the Network Management Duty guidance in consultation with West Sussex County Council and whether there should be additional provision of funds to facilitate sustainable access to the site and in consultation with Local Members.

#### PCN/53 **DC/22/2037 HONEYWOOD HOUSE, HORSHAM ROAD, ROWHOOK, HORSHAM**

The Head of Development & Building Control reported that this application sought full planning permission for the partial demolition and partial conversion of existing outbuildings to provide two residential dwellings. The proposal also included provision of car parking, amenity areas and landscaping.

The site is located to the east of Horsham Road and north of Rowhook and consists of a former manor house that has been converted into a nursing home and a number of detached outbuildings positioned to the west of the main building.

It is surrounded by flat open countryside with woodland positioned to the south-west and north of the existing buildings. The wider surroundings are

characterised by sporadic residential and commercial development primarily set back from the public highway.

Members noted the planning history of the application. The application site had been subject to previous planning permission refusals for residential development and a recent appeal had been refused.

Since the publication of the report it was noted that paragraph 3.22 of the report related to Rudgwick Parish Council not Rusper Parish Council and paragraph 6.20 of the report referred to a Draft Neighbourhood Plan and the Plan was approved.

The Parish Council raised no objection to the proposal. 20 letters of support were received (13 letters from households within the district and 7 letters from outside the District).

Three speakers spoke in support of the proposal.

Members acknowledged the importance of Care Home provision within the district, however the site was not allocated for housing and outside the Built-Up Area Boundary.

Members discussed the Management Plan submitted by the applicant which made reference to the proposed development addressing short and medium-term financial support for the Care Home. Insufficient information had however been provided to ensure long term viability of the Care Home with no appraisal of proposed income.

It was considered that even though Members wanted to support the application, a robust business case had not been provided. The current application had still not addressed its countryside location and poor access to nearby towns and services and the Conservation Officer had also advised in the report that the proposed design was not appropriate for a rural setting.

#### RESOLVED

That application DC/22/2037 be refused, in accordance with the officer recommendation, for the following reason:

The proposed development would be sited within an unsustainable location in the countryside, outside of a defined built-up area boundary, and on a site not allocated for housing development within the Horsham District Planning Framework, or a made Neighbourhood Plan. Furthermore, the proposed development is not essential to its countryside location. Notwithstanding the absence of a five-year land housing supply, and the provisions of the National Planning Policy Framework (2021) at paragraph 11(d), it is not considered that there are any material considerations in this instance which would outweigh harm arising from conflict with Policies 1, 2, 3, 4 and 26 of the Horsham District Planning Framework (2015).

PCN/54 **DC/22/1474 ROFFEY FOOTBALL CLUB, BARTHOLOMEW WAY,  
HORSHAM**

The Head of Development & Building Control reported that this application sought planning permission for the erection of a canopy for standing spectators at Roffey Football Club, Horsham. The application site is located on land owned by Horsham District Council.

The application site is located on Bartholomew Way within the built-up area of Horsham, directly south of the A264. The complex comprises a clubhouse located to the north of the football club entrance and a football pitch to the east and one to the west. The proposed spectator stand would be set in front of mature trees and would be approximately 12.53 metres long , 2.09 metres deep and 2.1 metres high rising to a front elevation of 2.33 metres.

The site has an existing spectator stand DC/16/0592 located to the north of the site.

The Parish Council raised no objections to the proposal. During the initial consultation period, 3 letters were received from 3 separate addresses neither objecting nor supporting the proposal.

Members were in favour of the application, supportive of the Football Clubs future plans which were positive for the area and boosting the local economy.

Members were reassured that trees within the site would not be affected, substantial car parking was offered on site and parking stewarded on match days. It was recommended that the applicant should provide sufficient litter bins on the site.

**RESOLVED**

That application DC/22/1474 be approved in accordance with Officer recommendation, subject to an additional note to the applicant recommending the provision of litter bins on the site.

*The meeting closed at 7.55 pm having commenced at 5.30 pm*

**CHAIRMAN**

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## Planning Committee (NORTH)

Date: 7th March 2023



**Horsham  
District  
Council**

Report on Appeals: 26/01/2023 – 22/02/2023

### 1. Appeals Lodged

Horsham District Council have received notice from the Planning Inspectorate that the following appeals have been lodged:

| Ref No.                | Site | Date Lodged | Officer Recommendation | Committee Resolution |
|------------------------|------|-------------|------------------------|----------------------|
| — None during period — |      |             |                        |                      |

### 2. Appeals started

Consideration of the following appeals has started during the period:

| Ref No.    | Site  | Appeal Procedure       | Start Date | Officer Recommendation | Committee Resolution |
|------------|---|------------------------|------------|------------------------|----------------------|
| DC/21/1263 | Twenty Five Acres, Leechpond Hill, Lower Beeding, West Sussex                   | Written Representation | 03-Feb-23  | Application Refused    | Application Refused  |
| DC/21/2469 | Lutwicke Corner Cottage, Stane Street, Slinfold, Horsham, West Sussex, RH13 0RE | Written Representation | 03-Feb-23  | Application Refused    | N/A                  |
| DC/22/1187 | Honeywood House, Horsham Road, Rowhook, Horsham, West Sussex, RH12 3QD          | Written Representation | 07-Feb-23  | Application Refused    | N/A                  |
| DC/22/1303 | 5 Fordingbridge Close, Horsham, West Sussex, RH12 1JN                           | Fast Track             | 09-Feb-23  | Application Refused    | N/A                  |
| DC/21/2072 | Bonwycks Lodge Farm, Ifield Wood, Ifield, Crawley, West Sussex, RH11 0LE        | Written Representation | 13-Feb-23  | Application Refused    | N/A                  |
| DC/21/1946 | Pemberley, Copsale Road, Maplehurst, Horsham, West Sussex, RH13 6QY             | Written Representation | 22-Feb-23  | Application Refused    | Application Refused  |

3. Appeal Decisions

HDC have received notice from the Ministry of Housing, Communities and Local Government that the following appeals have been determined:

| Ref No.                | Site | Appeal Procedure | Decision | Officer Recommendation | Committee Resolution |
|------------------------|------|------------------|----------|------------------------|----------------------|
| — None during period — |      |                  |          |                        |                      |



**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 7<sup>th</sup> March 2023

**DEVELOPMENT:** Change of use from residential building to a mixed-use scheme, comprising of a community centre and an associated residential unit. Erection of a rear/side extensions with associated alterations. Alteration to the existing site entrance and formation of a formal car parking area with associated external works and landscaping.

**SITE:** Stafford House Bonnetts Lane Ifield Crawley West Sussex RH11 0NX

**WARD:** Colgate and Rusper

**APPLICATION:** DC/21/2733

**APPLICANT:** **Name:** Mrs Kazmi **Address:** C/O Agent - Folkes Architects The Old Forge  
6 Church Street Storrington, West Sussex RH20 4LA

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

### **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

1.2 Planning permission is sought in respect of a material change of use, alterations and extensions to Stafford House to form a mixed use residential unit and meeting centre serving the religious and social needs of the Shia Muslim community.

1.3 The application site is subject of an extant planning permission under planning reference DC/20/0882 for the change of use to a mixed-use comprising community centre and associated residential unit, along with extensions and alterations and the formation of a car parking area.

1.4 The current proposal seeks to amend the scheme with the enlargement and redesign of the approved extension and the enlargement of the permitted residential unit from 1-bedroom to 3-bedrooms. The proposal also seeks amendment to the formal parking area to the front and

side of the building. This will create a dedicated car park for 33no. vehicles and 2no. disabled bays. 4no. electric vehicle charging points would also be provided.

#### DESCRIPTION OF THE SITE

- 1.5 The application site comprises of Stafford House, a detached two-storey property occupying a generous plot situated to the east of the junction between Charlwood Road and Bonnetts Lane. The site benefits from a pre-existing access onto Charlwood Road, with vegetated boundaries (mainly within the highway verge) against Charlwood Road and Bonnetts Lane. A single dwelling (Daisy Cottage) is found to the adjacent north-east of Stafford House, with open-field land to the south and east of the site in addition to opposite across Charlwood Road.
- 1.6 The site is close to the administrative boundary of Horsham District, which lies some 150m to the south-east, and is found within proximity to the neighbourhood of Langley Green within Crawley Borough. The site is found beyond a defined built-up area, as such, constitutes a countryside location in planning policy terms.

#### PLANNING HISTORY

- 1.7 The application site has been subject to several applications in the preceding decade, with a previous use of the site for combined community and residential use considered pursuant to reference DC/11/1350. As outlined within the Committee Report dated 6 December 2011, this application sought permission for the use of the ground floor of the existing residential dwelling for occasional, low-key use, up to three days per week, for approximately 30 people. The supporting statement outlined that, in addition to the normal residential use of the premises (which would consist of the Imam's residence), the weekly events would comprise of Sunday School classes for children between 9am and 12pm one day per week, and two weekday events for families on Tuesdays and Thursdays between 6pm and 9pm. As described within the supporting documentation, it was stated that an additional meeting may occur during 6pm and 9pm for special events and two one-day events during the months of Muharram and Ramadam within the Islamic calendar.
- 1.8 In connection with application reference DC/11/1350 it was concluded that the site was appropriately located relative to services and infrastructure within Crawley Borough, notwithstanding the remoteness to services and amenities within Horsham District, in a location appropriate to serve the Shia Muslim community. It was recommended, therefore, that permission be granted, subject to a legal agreement restricting the number of events, timing of events and number of attendees. This legal agreement was not signed, however, with the application being withdrawn.
- 1.9 Planning permission was subsequently sought under application references DC/17/1827 and DC/18/1854 for a comparable mixed residential-community use, though, with extensions to Stafford House and increases in the number and frequency of events relative to those considered in connection with reference DC/11/1350. The later of these applications (reference DC/18/1584) sought to overcome the stated reasons for refusal in connection with reference DC/17/1827 through the submission of additional documentation, including the submission of a Noise Survey and Assessment report (NSA).
- 1.10 Planning permission sought in respect of reference DC/18/1584 was refused on the following grounds:  
*"The change of use of the property as proposed, when considered in totality alongside the proposed extension, would result in an intensification of the use of the site to the detriment of the amenity of occupiers of the neighbouring properties and the rural character and nature of the locality. The proposal would therefore be contrary to policies 2, 25, 26, 32 and 33 of the Horsham District Planning Framework (2015)."*



- 1.11 In dismissing the subsequent appeal the Inspector considered that insufficient justification, including the consideration of alternative sites, had been provided for an intensification of use in this location with reference to the limited harm considered to local character (Paragraph 24 of the appeal decision letter). The Inspector, further, considered that there were unresolved issues with judgements made by the appellant from the findings of the submitted Noise Survey and Assessment (NSA), and therefore insufficient justification in relation to noise impact had been provided (Paragraph 46 of the appeal decision letter). Overall, notwithstanding the recognised social and religious benefits to the Shia Muslim community, it was not considered such considerations would outweigh the degree of resultant harm, therefore, warranting the appeal to be allowed. (Paragraph 48 of the decision letter).
- 1.12 Following the dismissal of the appeal made pursuant to reference DC/18/1584, an enforcement notice has been served (reference EN/19/0433) requiring the cessation of the use of Stafford House as a meeting centre and place of worship, together with associated paraphernalia, and the return of the premises to use as a single dwellinghouse.
- 1.13 A later application under DC/20/0882 was submitted to the Council which provided further commentary as to the methods of acoustic assessment and analysis, in addition to providing clarification as to consideration given to alternative premises. This was considered at Planning (North) Committee where the application was approved subject to a number of conditions. Conditions 3 and 4 of this planning approval required the submission and approval of additional details comprising mitigation measures to address noise emanating from the site and a Noise Management Plan. Application reference DISC/21/0070 included these details, and following amendments, these details have been approved.
- 1.14 The application site benefits from an extant planning permission under DC/20/0882 for the change of use from residential dwelling to mixed-use purposes comprising a residential living unit and as a community meeting facility. Demolition of existing structures and erection of part single storey, part two-storey rear extension with associated internal alterations and two-storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed car parking. This is a material consideration of significant weight.
- 1.15 The current application seeks to amend the scheme, with the enlargement and repositioning of the proposed extension, along with internal changes to the existing building. The proposal also seeks to enlarge the residential flat to the first floor from 1-bedroom as approved to 3-bedrooms. A formal parking arrangement is also proposed.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

- 2.2 The following Policies are considered to be relevant to the assessment of this application:

2.3 **National Planning Policy Framework**

2.4 **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development  
Policy 2 - Strategic Policy: Strategic Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 11 - Tourism and Cultural Facilities

Policy 15 - Strategic Policy: Housing Provision  
 Policy 16 - Strategic Policy: Meeting Local Housing Needs  
 Policy 24 - Strategic Policy: Environmental Protection  
 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 35 - Strategic Policy: Climate Change  
 Policy 36 - Strategic Policy: Appropriate Energy Use  
 Policy 37 - Sustainable Construction  
 Policy 38 - Strategic Policy: Flooding  
 Policy 39 - Strategic Policy: Infrastructure Provision  
 Policy 40 - Sustainable Transport  
 Policy 41 - Parking  
 Policy 42 - Strategic Policy: Inclusive Communities  
 Policy 41 - Community Facilities, Leisure and Recreation

#### RELEVANT NEIGHBOURHOOD PLAN

#### 2.5 **Rusper Neighbourhood Plan 2018 - 2031**

RUS1 – Spatial Plan  
 RUS3 – Design  
 RUS5 – Green Infrastructure and Biodiversity  
 RUS6 – Walking, Cycling and Equestrian Routes  
 RUS8 – Landscape Character and Local Gaps  
 RUS9 – Community Facilities  
 RUS11 – Dark Skies  
 RUS12 – Promoting Sustainable Transport

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

|            |   |                           |           |    |
|------------|---|---------------------------|-----------|----|
| RS/37/58   | Residential development at 2 houses per acre<br>(From old Planning History)   | Application<br>12.11.1958 | Refused   | on |
| RS/35/93   | Erection of annexe<br>Site: Stafford House Bonnetts La Ifield   | Application<br>20.09.1993 | Refused   | on |
| RS/8/94    | Erection of 2 polytunnels and a farm store<br>Site: Stafford House Bonnetts La Ifield   | Application<br>18.05.1994 | Permitted | on |
| RS/72/00   | Variation of condition 4 of rs/8/94 to allow a<br>garden/farm shop<br>Site: Stafford House Bonnetts Lane Ifield   | Application<br>06.12.2000 | Refused   | on |
| RS/11/01   | Conversion of buildings to dwelling & garage retention<br>of access removal of hardstanding to form paddock<br>Site: Stafford House Bonnetts Lane Ifield  | Application<br>11.04.2001 | Permitted | on |
| RS/33/03   | Double garage and workshop<br>Site: Stafford House Bonnetts Lane Ifield   | Application<br>27.06.2003 | Permitted | on |
| DC/04/0227 | Conversion and extension of building to form dwelling   | Application<br>22.04.2004 | Refused   | on |
| DC/05/0689 | Change of use to HMO (used for rent to low income<br>persons who rent a single room with ensuite facilities<br>together with communal kitchen and eating facilities)<br>and 2-storey extension. | Application<br>18.05.2005 | Refused   | on |
| DC/05/1429 | Change of use of land to airport parking for 55 cars  | Application<br>01.09.2005 | Refused   | on |

|            |  |                                     |
|------------|--|-------------------------------------|
| DC/05/2354 | Retention of entrance gates  | Application Refused on 30.11.2005   |
| DC/17/1827 | Change of use from residential dwelling to mixed used residential unit, religious meeting hall and place of worship. Erection of part single storey part two storey rear extension with associated internal alterations and two storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed landscaping.   | Application Refused on 11.01.2018   |
| DC/18/1584 | Change of use from residential dwelling to mixed-use residential unit, religious meeting hall and place of worship. Demolition of various existing structures and erection of part single storey, part two storey rear extension with associated internal alterations and two storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed car parking              | Application Refused on 09.11.2018   |
| DC/20/0882 | Change of use from residential dwelling to mixed-use purposes comprising a residential living unit and as a community meeting facility. Demolition of existing structures and erection of part single storey, part two-storey rear extension with associated internal alterations and two-storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed car parking. | Application Permitted on 10.12.2020 |

### 3. OUTCOME OF CONSULTATIONS

- 3.1 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](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** The site is considered to be in a quiet, residential area. This department has received several allegations of statutory nuisance in regard to smoke and noise being emitted from Stafford House since it's apparent occupation and operation in October 2017. This demonstrates that this is a sensitive area.

Conditions are recommended relating to hours of use, occupation of the residential unit in connection with the use of the building, hours of construction, asbestos assessments, waste debris and construction waste removal, control of dust, details of extract/ventilation equipment for the kitchen and any mechanical ventilation required for the community hall, details of air source heat pump, sound amplification, no live, recorded or amplified music.

#### OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection

The site is located on Charlwood Road, which has a 40mph speed limit. The existing site layout provides an access 2.5m in width which traverses a disused spur, and originally formed part of the 'Y' junction with Bonnets Lane (to the west of the site) and Charlwood Lane.

As part of the proposals this access will be upgraded to 4.1m in width and the existing access road surface repaired up to the granite sets where it meets the carriageway edge. The new 33 space car park will also provide a space for the parking and turning of vehicles so these can exit in forward gear.

Visibility splays for this improved access have been provided based on a traffic volume and speed survey undertaken by Reeves Transport Planning. The results suggest the current speeds are 38mph northbound and 40mph south bound, in line with the posted speed limit. As splays of 105m to the south and 114.1m to the north are proposed these have been checked against DMRB standards and are accepted by WSCC.

As the access will see an increase in use WSCC have interrogated our RTCC database to ensure there are no patterns in traffic incidents which may need addressing as part of this intensification of use. Over the last 5 years there have been 4 recorded incidents which have all been related to driver error and judgement. Therefore, WSCC raise no concerns over the safety of the highway in this location. The improvements will assist in the safe entry and exit of vehicles visiting and leaving the site simultaneously.

All parking spaces should be provided as a minimum of 2.4m x 4.8m and all disabled spaces haven been given additional space around the sides; and rear to accommodate a wheelchair. These have also been located close to the main entrance. As the number of spaces are site specific the applicant has submitted a green travel plan, this plan will support car sharing amongst the Shia community, and the location of the bus stop on Charlwood Road, and provision of cycle storage will support sustainable travel to the site.

It is not clear where electric vehicle charging points will be provided. WSCC EVC policy requires at least 37% (11) spaces to be connected with the remaining spaces provided in a passive capacity for connection later.

3.4 **Gatwick Airport (Aerodrome Safeguarding response dated 17.01.2022):** The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to a landscaping condition. We note that bird boxes are proposed, we would ask that they be for the smaller species only such as Sparrows, Wrens, Blue tits etc.

3.5 **Gatwick Airport (response dated 23.03.2022):** Objection

The site to which the application relates lies wholly within the 2014 extended boundary for the Gatwick Safeguarding area as shown in the 'Gatwick Masterplan' published in July 2019.

National policy requires land around Gatwick to be safeguarded for an additional runway and associated facilities in the future. The government's requirement to safeguard land at Gatwick is derived from the Air Transport White Paper (ATWP) 2003. The ATWP required that land should be safeguarded for the potential future development of a wide spaced runway and associated facilities at Gatwick. In addition, the Aviation Policy Framework (2013) sets out Government's support for the need to safeguard land.

The purpose of safeguarding is to protect land from development that would be incompatible with the bringing forward of proposals for an additional runway in the future. The Horsham District Planning Framework (2015) Policies Map does not identify the Gatwick Safeguarded Land. However, Policy 44 of the Regulation 18 draft Horsham District Local Plan 2019-36 does acknowledge Gatwick Airport Safeguarded Land. While it is noted that Local Plan preparations have paused, it is considered that significant weight should be given to this matter when having regard to the local and national planning policy context.

While GAL are not actively pursuing an additional runway to the south at Gatwick it remains in the national interest to continue with this strategy of land safeguarding. If realised such a runway scheme would be a major infrastructure development of national importance. The safeguarding of land will preserve the option of facilitating important national infrastructure through the building of an additional runway to meet the future airport capacity gap that the Government's forecasts indicate will occur beyond 2030. GAL considers that the proposed development at Stafford House would result in significant intensification of development on the site including new permanent structures (circa 500 sq.m. GIA) to accommodate the enlarged community centre, an additional dwelling and approximately 60 car parking spaces. As such the proposed works are not 'minor' in nature and would be incompatible with

expansion of the airport and would act as an additional constraint including increased cost and complexity to the development and operation of an additional runway.

Planning permission should therefore be refused in accordance with national policy for the safeguarding of land at Gatwick.

3.6 **Gatwick Airport (Aerodrome Safeguarding response dated 16.01.2023):** The proposed additional information and the development as a whole has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to a landscaping condition.

3.7 **Natural England (response received 03.11.2022):** No Objection subject to appropriate mitigation being secured. Natural England notes that the Local Planning Authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that the authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

## PUBLIC CONSULTATIONS

3.8 **Rusper Parish Council:** Strong Objection

- Water neutrality does not appear to have been demonstrated
- The scale of the new building would have a significant visual impact on the countryside landscape
- Not an appropriate site for the size and scale of planned visitors and growth planned
- Increase traffic in the rural locality at an inadequate junction
- Working times would not be suitable in this rural location
- Overdevelopment in a countryside location which would have negative environmental impacts
- Detrimental impact on neighbouring property

3.9 32 letters of support were received from 31 separate households, and these can be summarised as follows:

- Similar to other community facilities in the area
- Benefits the site
- Benefits to the community
- Meets the needs of the local community
- No impact on highway safety
- No impact on noise
- Does not impact the wider surroundings
- Adequate parking
- Proposed layout and new sound system will address noise
- Better than the approved scheme
- No overshadowing
- No wildlife impact
- Well enclosed

3.10 17 letters of objection were received from 16 separate households, and these can be summarised as follows:

- Impact on Gatwick safeguarding
- Increased activity and opening hours
- Loss of privacy
- Insufficient parking
- Water neutrality issues
- Unacceptable noise
- Noise Management Plan unacceptable
- Out of character
- Increased traffic
- Overdevelopment
- No need
- Inappropriate site
- Overbearing
- Impact on countryside
- Impact on biodiversity

#### **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY**

- 4.1 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.
- 4.2 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.

#### **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **6. PLANNING ASSESSMENTS**

- 6.1 The application seeks full planning permission for the change of use from residential building to a mixed-use scheme, comprising of a community centre and an associated residential unit. Erection of a rear/side extensions with associated alterations. Alteration to the existing site entrance and formation of a formal car parking area with associated external works and landscaping.
- 6.2 The application seeks amendments to the scheme as approved under planning reference DC/20/0882, including the redesign and enlargement of the extension and the provision of a dedicated parking area.

##### Principle of Development

- 6.3 The application site is located beyond a defined built-up area, constituting a countryside location for the purposes of planning policy. Sporadic residential, commercial and community development can be identified to the north and north-west of the site along Bonnetts Lane

and Charlwood Road respectively, with an increase in built-development to the near south-east marking the urban-rural transition at the fringe of Crawley.

- 6.4 Policy 26 of the Horsham District Planning Framework (HDPF) seeks protect the countryside against inappropriate development. Proposed development must be essential to its countryside location, and in addition, support the needs of rural enterprise, promote quiet informal recreational use or enable the sustainable development of rural areas. Development proposals must not, either individually or cumulatively, result in a significant intensification of overall activity in the countryside and protect key features and characteristics of its respective landscape setting.
- 6.5 Policy 42 of the HDPF seeks to promote positive measures in support of a socially inclusive and adaptable environment, allowing for users to meet their long-term needs. Particular account will be given to the need to address the specific needs of minority, faith and community groups in addition to the needs of young people.
- 6.6 Policy 43 of the HDPF provides that new or improved community facilities will be supported to meet the identified needs of local communities. Policy 43, further, provides that sites located outside of defined built-up areas will be supported where this is the only practicable option and where a suitable site well-related to an existing settlement exists.
- 6.7 Policy 1 of the Rusper Neighbourhood Plan defines the built-up area for Rusper. Policy RUS2 of the Neighbourhood Plan states that proposals for the development of new business, commercial, community uses and flexible start-up business accommodation outside the built-up area boundary of Rusper will be supported provided they adhere to other policies of the development plan.
- 6.8 Paragraph 92 of the NPPF provides that planning policies and decisions should positively plan and seek to satisfy community needs through the provision of social, recreational and cultural facilities, including, meeting places and places of worship, in order to enhance the sustainability of communities and residential environments
- 6.9 The application site is subject of an extant planning permission under planning reference DC/20/0882 relating to the change of use from residential dwelling to mixed-use purposes comprising a residential living unit and as a community meeting facility. Demolition of existing structures and erection of part single storey, part two-storey rear extension with associated internal alterations and two-storey meeting hall with glazed link to proposed extension. Alterations to existing access and proposed car parking. The conditions requiring the submission and approval of additional information have been approved under reference DISC/22/0070, with no other conditions requiring formal discharge. It is therefore considered that there is a real intention and ability to implement the planning permission as approved. This is considered to represent a fallback position, which is considered a material consideration of significant weight.
- 6.10 The proposed development seeks to amend the scheme as approved, with the enlargement and alterations to the design of the approved extension and the provision of a designated parking area. The residential dwelling above is also proposed to be enlarged from the approved 1-bed unit to a 3-bed unit. The supporting information outlines that the changes in the application are necessary in order to meet religious guidelines, provide separate toilet facilities outside of the prayer rooms, and allow greater space for physical distancing. It is also outlines that the 1-bed unit had made it difficult to find an Iman since those suitable had family members and were unable to reside at the property. The proposal has therefore been redesigned to a 3-bed property to meet the needs of an Iman and their family.
- 6.11 While acknowledged that the extension would be enlarged, there is no evidence to suggest that this would result in a greater intensification in use of the premises. Rather, the proposal seeks to improve the quality of accommodation for users and the relationship with the nearest

residential property. The proposal would result in no greater intensification of use above that permitted under the extant planning permission, and is not considered to result in a greater level or intensity of activity within the countryside location than that previously approved. The extant planning permission represents a fallback position, with the proposed development considered to represent an improvement over the permitted scheme. For these reasons, the principle of development is considered acceptable, subject to all other material considerations.

### Visual Impact

- 6.12 Policies 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.
- 6.13 Policy RUS3 of the Rusper Neighbourhood Plan states that proposals for new development, including extensions to existing buildings, must be of the highest design standards and will be required to reflect the character and scale of surrounding buildings.
- 6.14 The application site is enclosed by 1.8m high fencing and vegetation along the boundary with the highway which offers a significant degree of screening from both Bonnetts Lane and Charwood Road, with the site set back from the public highway. The proposal seeks to reinforce this boundary through the provision of 2m high fencing and additional planting.
- 6.15 It is recognised that the proposed development would represent a greater footprint than that approved under planning reference DC/20/0882, with the ridgeline of the extension extending to match the height of the existing building. The proposal would utilise a pitched roof with 3no. flat roof dormers extending from the eaves, with a flat roof link provided between the existing building and the proposed extension.
- 6.16 While recognised that the proposed extension would be of a greater scale and massing than the approved scheme, the proposal has been designed to break up the massing and provide visual relief through the 3no. individual dormers. This provides visual interest and is considered to result in a better quality addition. The proposed extension is considered to be sit comfortably within the confines of the site, and could be accommodated appropriately.
- 6.17 The proposal also involves the provision of a formal parking arrangement which would replace the existing grassed area to the east of the site. It is recognised that the formal arrangement as proposed would remove the amenity area and result in a large expanse of hardstanding to the front and side of the site. It is however acknowledged that additional planting is proposed along the entrance to the parking area which would mitigate views of the hardstanding when seen from the public highway. The proposal also offers an improved parking and access arrangement, with the use of hardstanding also likely to improve noise arising from vehicle movements entering and exiting the site when compared with the former 'unmade' arrangement as approved. These benefits are considered of weight in the planning assessment.
- 6.18 It is acknowledged that the Inspector's decision relating to planning reference DC/18/1584, raised concerns with respect to the visual impact of the parking arrangement and its effect on the semi-rural character of the site and surroundings. The extant planning permission did however conclude that the parking arrangement would not be detrimental to the visual amenities of the surroundings. This is a material consideration of significant weight.
- 6.19 The approved parking arrangement involved a plastic membrane surfacing which was to be infilled with shingle and grass seed. The purpose of this surfacing was to limit the visual impact of the parking area so that it retained its appearance as an amenity space. It is



acknowledged that the current proposal would result in a large extent of tarmac, with dedicated parking bays arranged around landscaped areas.

- 6.20 While the proposed parking arrangement would formalise the site and result in a large expanse of hardstanding within the site, it is recognised that the arrangement would improve accessibility throughout the site and would incorporate a surface that would reduce noise emanating from vehicle movements. These are considered to be material considerations that weigh in favour of the proposed arrangement. When coupled with the additional planting proposed, and in considering the conclusions of the extant permission, it is considered on balance that the proposal would not result in significant adverse harm to the character and visual amenity of the surroundings to justify a reason for refusal.

#### Amenity Impacts

- 6.21 Policy 32 of the HDPF states that development will be expected to provide an attractive, functional, accessible, safe, and adaptable environment that contribute a sense of place both in the buildings and spaces themselves. Policy 33 continues that development shall be required to ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land.
- 6.22 Paragraph 174 of the NPPF states that decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 185 continues that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions, and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so, they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life. Paragraph 188 outlines that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. Planning decisions should assume that these regimes will operate effectively.
- 6.23 The application site is subject of an extant planning permission for the change of use to mixed-use purposes comprising a residential living unit and as a community meeting facility, along with the extension of the building and landscaping alterations under planning reference DC/20/0882. This approval included conditions relating to noise mitigation measures (which have been subject of approval under a later DISC application) and conditions relating to hours of use, no public address equipment, amplified music, etc and restrictions on outdoor activities.
- 6.24 The current application seeks to enlarge the approved extension, with an internal redesign of the existing building to accommodate smaller rooms within proximity to the nearest residential dwelling known as Daisy Cottage.
- 6.25 The proposed extension would accommodate Prayer Rooms to both the ground and first floor of the proposed extension, which would be set away from the nearest residential property known as Daisy Cottage. Although noted that the existing building would be used for community purposes, the internal arrangement has been altered to retain smaller rooms which would offer further noise attenuation, with all existing openings along the northern elevation blocked up. The existing conservatory would be removed, which has previously been identified as contributing to the noise emanating from the site, with double doors provided. In totality, this arrangement is considered result in some noise attenuation improvements when compared with the extant planning permission. In addition, a fence would be erected to the north and west of the building, with the supporting information outlining that this would be locked with restricted access. The proposed redesign would

relocate the main activity away from the nearest residential property, and this is considered to result in a better relationship that would result in some amenity improvement.

- 6.26 Stafford House will operate for community between the hours of 12:00 and 22:00 Monday to Friday and 10:00 to 22:00 Saturdays, Sundays, Bank and Public Holidays. A maximum of 5 people will be present an hour before these times for preparation. As considered under the extant planning permission, a number of 'special events will be held outside of these hours, comprising 2 Eid Prayers starting at 8:00 and 2 Muharram overnight vigils. Eid Prayer will start at 8:00 and consist of between 70-90 community members. The event consists of Eid prayer and sermon which can last up to 2 hours. The two overnight vigils during Muharram will have between 15-40 attendees. Most of the attendees leave after morning prayers. Any out of hours events (referred to as 'Special Events') will be planned ahead to ensure the least impact on neighbours and appropriate highway safety management.
- 6.27 The submitted Noise Management Plan confirms that letters would be sent to nearby residents informing them in advance of these events. The Noise Management Plan also confirms that the outside area will be restricted and limited to authorised individuals only, with no outdoor events or activities taking place. It also confirms that all windows and doors would be closed during prayers and all other events, with signage provided within the building and car park to ensure attendees leave the premises quietly. Details of the speaker system to be used, which would be programmed to be inaudible from the nearest residential receptor has been provided, with confirmation that these speakers would be positioned to face away from the northern boundary.
- 6.28 The application site is subject of an extant planning permission for the use of the site as a community meeting facility and 1no. residential flat. While recognised that the proposal would enlarge the footprint of the approved extension, and would thereby increase the floor area serving the community facility, there is no evidence that the proposal would result in a greater intensification of use above that previously considered. The amended scheme has been redesigned to take better account of the constraints of the site, and most particularly the amenity of the nearest residential property.
- 6.29 The proposed parking layout would formalise the site through the provision of a tarmac-ed and designated parking arrangement. This is not considered to give rise to any further noise or disturbance than that previously considered, with the submitted Noise Management Plan confirming that the parking area would be managed by Wardens and sign posted to reduce speeds and limit noise/activity when entering and exiting. These measures are considered to limit noise and disturbance, with the proposal result in no further harm to residential amenity than the extant planning permission.
- 6.30 On the balance of these considerations, the proposal is considered to result in no further harm to the amenities of neighbouring properties than the extant planning permission.  
Highways Impacts
- 6.31 Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district.
- 6.32 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.

- 6.33 The proposal would make use of a widened pre-existing access and seek to provide enhanced parking facilities within the site through the provision of a tarmacked hardstanding and allowing for the parking of 35no. vehicles to the south-east of Stafford House.
- 6.34 A Green Travel Plan has been submitted seeking to encourage sustainable modes of travel to the site and car-sharing. The submitted plans detail the provision of cycle-parking facilities and indicate that a total of 4no. electric vehicle charging points would be provided. This is considered to represent a sufficient provision of electric vehicle charging points for anticipated needs. It is also noted that Stafford House have entered into an informal agreement with Crawley Gurdwara which allows the community to use their site for parking should the car park at Stafford House become full.
- 6.35 The Local Highways Authority (LHA) has reviewed the proposal and have raised no objection on highways grounds. The LHA considered that the proposal would not unacceptably impact on highway safety or result in a severe cumulative effect on the operation of the highway network. Off-street parking capacity for the proposed development is considered acceptable, subject to conditions as recommended by the LHA, which would secure the implementation and delivery of electric vehicle charging points, a Green Travel Plan and cycle storage. As such, the proposal is considered to accord with Policies 40 and 41 of the HDPF and it is not considered that the Authority could substantiate a reason for refusal on highways grounds.

#### Water Neutrality

- 6.36 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.
- 6.37 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.
- 6.38 The application site is subject of an extant planning permission for the change of use of the site to a mixed-use as a community facility and 1no. residential flat under planning reference DC/20/0882. The Applicant has provided written confirmation within the Water Neutrality Statement that the extant permission would be implemented in the event that the current proposal was not approved, with all relevant details reserved by condition attached to planning reference DC/20/0880 approved under reference DISC/21/0070. These circumstances are considered to establish the extant consent as a realistic fallback, together with the scale of mains-water usage which would be expected in the event that planning permission were not granted in this instance.
- 6.39 The main material change in respect of water-use associated with the proposed development, and relative to the extant development, is in respect of the ancillary residential unit featured within the development. This was previously approved as a 1-bedroom unit, with a 3-bedroom unit now proposed. It is considered that the increase in the scale of accommodation is likely to support a greater residential occupancy and resultant demand for the use of mains-water comparative to the approved development in the absence of any mitigating measures.
- 6.40 The submitted WNS models water-use associated with the extant approved development at 524.7 litres/day. This comprises of 346.5 litres/day usage associated with the community component of the approved use and 178.2 litres/day usage associated with the occupancy

of the 1-bed ancillary residential unit. Usage associated with the community component of the approved use has been calculated on the basis of primary data of actual usage obtained from a comparable facility for the Shia community in Coventry. This recorded usage has been applied to the per-person occupancy expected from the proposed development as derived from regular prayer sessions (55x persons). Usage associated with the occupancy of the ancillary residential unit has been calculated pursuant to Part G of the Building Regulations and with regard to average occupancy rates within the District extrapolated from Census data.

- 6.41 The physical scale of the community centre is not considered to influence the intensity of its use, as the intensity of use is predominantly derived from the size of the existing Shia community. It is not anticipated, therefore, that the proposed development would increase occupancy rates associated with the community component of the proposed use, and resultant mains-water use, notwithstanding the increased size of the proposed prayer room. The predominant change considered in this instance, comparative to the extant consent, is therefore only considered to be the change in usage characteristics associated with the residential component of the proposed use.
- 6.42 As the water use associated with the community use aspect of the proposals can be excluded given the extant fallback consent, the relevant baseline consumption is for the 1-bed dwelling aspect of the consented scheme only, which amounts to 178.2 litres/day. The proposed 3-bed dwelling would result in a water consumption of 333.45 litres/day, resulting in a net increase of 155.25 litres/day.
- 6.43 In order to reduce water-use within the proposed development the proposed development would incorporate efficient installations as specified within the submitted Water Neutrality Statement. Those associated with the community component of the proposed use are specified at Appendix D to the WNS, while those associated with the residential component of the proposed use are specified at Appendix A. Residential usage, prior to servicing by harvested rainwater, is calculated at 110.72 litres/person/day and is deemed easily achievable as broadly in-line with the optional requirement for 110 litres/person/day set-out at Part G to the Building Regulations. This creates a water demand of 273.48 litres/day which is still above the target 178.2 litres/day used by the permitted 1-bed flat.
- 6.44 The submitted WNS advances that a standard of 68.63 litres/person/day can be achieved within the proposed 3-bed dwelling through the incorporation of rainwater-harvesting utilised to service W/Cs and washing machines. This is evidenced by calculations undertaken pursuant to Part G of the Building Regulations at Appendix A. This provision, therefore, would reduce total water-use in respect of the proposed ancillary residential unit to 169.51 litres/day, and crucially below the level of usage anticipated in conjunction with the ancillary unit featured within the previously approved and extant development.
- 6.45 In total a saving of 163.94 litres/day is considered in respect of the proposed ancillary residential unit through the incorporation of rainwater harvesting and the respective servicing of specific installations. This exceeds the target saving of 155.25 litres/day. It is noted that the large volume of collectable rainwater from the building as a whole (which includes the roof to the adjoining community hall) is such that an estimated further saving of 72.56 litres/day could be achieved by using this rainwater to service toilets within the community hall.
- 6.46 The proposed mitigations can be embedded within the development and will be secured as part of any planning consent by way of planning condition. These measures are considered sufficient to avoid adverse effects on the integrity of the interest features of the Arun Valley SPA, SAC & Ramsar site from the development either alone or in combination with other plans and projects. Natural England concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

## Climate change

- 6.47 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. Should the proposed development be approved, the following measures to build resilience to climate change and reduce carbon emissions would be secured by condition:
- Requirement to provide full fibre broadband site connectivity
  - Dedicated refuse and recycling storage capacity
  - Cycle parking facilities
  - Electric vehicle charging points
- 6.48 Subject to these conditions, the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

## Other Matters

- 6.49 Paragraph 106 of the NPPF states that planning policies should provide for any large scale transport facilities that need to be located in the area, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so, they should take account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements. Planning policies should recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time, taking into account their economic value in serving business, leisure, training and emergency service needs.
- 6.50 The Aviation Policy Framework (March 2013) states that local authorities are required to have regard to policies and advice issued by the Secretary of State, highlighting that this includes the Aviation Policy Framework and that it may also be a material consideration in planning decisions depending on the circumstances of a particular application. The Government sets out the importance of safeguarding land for future airport development, commenting that land outside existing airports that may be required for airport development in the future need to be protected against incompatible development until the Government has established any relevant policies and proposals in response to the findings of the Airport Commission.
- 6.51 The Government is currently developing its long term Aviation Strategy to 2050. The Government reiterates the importance of safeguarding land for growth, stating that several airports safeguard land for future developments. The safeguarded land can be a mix of airport, council and private ownership, depending on the individual airport's circumstances. It is prudent to continue with a safeguarding policy to maintain a supply of land for future national requirements and to ensure that inappropriate developments do not hinder sustainable aviation growth. The National Planning Policy Framework has restated the government's commitment to "identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice". The government believes that this provides sufficient guidance for local authorities to consider the future needs of airports and their associated surface access requirements, when developing local plans
- 6.52 The Aviation Policy Framework (March 2013) suggested that the safeguarding of land would only be required until the findings of the Airports Commission were published. These findings were published in 2015, where it was unanimously concluded that a new North-West Runway at Heathrow Airport was the strongest option for an additional runway in the South-East of

England. On 25 October 2016 the Government formally announced that this option, combined with a significant package of supporting measures, was its preferred scheme to deliver additional airport capacity in the South-East of England.

- 6.53 In 2019, Gatwick Airport Limited (GAL) published its Gatwick Airport Master Plan 2019 which set out three scenarios for growth of the airport: (Scenario 1) for the airport to remain as a single runway operation using the existing main runway; (Scenario 2) where the existing standby runway is routinely used together with the main runway; and (Scenario 3) where GAL continues to safeguard land for an additional runway to the south. GAL acknowledges the Government's support for expansion of Heathrow, and states that it is not currently pursuing a scheme to deliver a second runway to the south of the airport. GAL does however, consider that land should be safeguarded as "it is in the national interest to preserve this opportunity".
- 6.54 The application site is located in the south-western extent of the area marked for safeguarding within Gatwick Airport's Masterplan 2019. Gatwick Airport have commented on the planning application where an objection has been raised on the grounds that the development would result in a significant intensification of development on the site, which would be incompatible with the expansion of the airport and would act as an additional constraint, including increased cost and complexity to the development and operation of an additional runway. It is however recognised in the response that GAL are not actively pursuing an additional runway to the south of the airport.
- 6.55 The HDPF does not contain any policies relating to the safeguarding of land for Gatwick Airport, albeit that it is recognised that the importance of safeguarding land is recognised within the NPPF. It is however noted that the Regulation 19 Draft Local Plan includes Policy 43 specific to Gatwick Airport Safeguarding. This policy states that land identified on the Policies Map will be safeguarded for development which would be incompatible with expansion of the airport to accommodate the construction of an additional wide spaced runway (if required by national policy) together with a commensurate increase in facilities that contribute to the safe and efficient operation of the expanded airport. Minor development within this area, such as changes of use and small-scale building works, such as residential extensions, will normally be acceptable. Where appropriate, planning permission may be granted on a temporary basis. The Regulation 19 Local Plan has not however progressed to Full Council, with limited weight afforded to this policy.
- 6.56 The proposed development relates to a material change of use to provide a community hall for a faith community, alongside an associated residential dwelling. The proposal would meet the long term and specific needs of the faith group, and would provide social and public benefits in this regard. This is considered to be of significant weight. While the objection from Gatwick Airport is acknowledged, it is recognised that the Airport are not currently pursuing development of a southern runway, where the development is not considered to adversely impact the long-term growth of Gatwick Airport.
- 6.57 It is noted that the Gatwick Safeguarding Team has requested the imposition of a condition in regard to landscaping. It is noted that the extant permission approved soft and hard landscaping in accordance with a specific plan. The current proposal includes details on landscaping on the submitted Site Plan reference 2.02, and these details comprise the planting of native trees. This is considered acceptable provided no fruit trees are planted. A condition requiring that soft and landscaping be carried out in accordance with this plan is therefore considered reasonable and recommended.

#### Conclusion

- 6.58 The application site is subject of an extant planning permission under reference DC/20/0882 for the change of use of the site to a mixed-use as a community facility and 1no. residential flat, with associated extensions and formation of a car park. Confirmation has been provided

that the extant permission would be implemented in the event that the current proposal was not approved, with all relevant details reserved by condition attached to planning reference DC/20/0880 approved under reference DISC/21/0070. These circumstances are considered to establish the extant consent as a realistic fallback.

- 6.59 The proposed development seeks to enlarge and redesign the approved extensions, with the enlargement of the associated residential dwelling to 3-bedrooms. The proposal would result in no greater intensification of use above that permitted under the extant planning permission, and is not considered to result in a greater level or intensity of activity within the countryside location than that previously approved. For these reasons, the principle of development is considered acceptable, subject to all other material considerations.
- 6.60 The proposal is considered to result in no further harm to the amenities of neighbouring properties than the extant permission, with the proposed extensions considered to be of greater visual interest that would result in no further visual impact that then approved scheme. In addition, the proposal is considered to provide sufficient parking for anticipated needs and would not result in harm to the function and safety of the highway network.
- 6.561 Subject to the mitigation measures proposed within the Water Neutrality Statement, the proposed development would not 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.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 6.62 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1<sup>st</sup> October 2017.
- 6.63 **It is considered that this development constitutes CIL liable development.**

| Use Description         | Proposed | Existing | Net Gain |
|-------------------------|----------|----------|----------|
| All Other Development   | 571.97   | 0        | 571.97   |
| District Wide Zone 1    | 89.61    | 145.3    | 0        |
| <b>Total Gain</b>       |          |          |          |
| <b>Total Demolition</b> |          |          |          |

- 6.64 Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.
- 6.65 Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.
- 6.66 In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

**7. RECOMMENDATIONS**

- 7.1 To approve the application subject to the following conditions.

Conditions:

- 1 **Approved Plans**

- 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-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy as detailed within the Water Neutrality Statement by Folkes Architects reference Revision D dated August 2022 and received 25.10.2022). The dwelling hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy for that dwelling has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, and completion of the as built Part G water calculator or equivalent. The installed measures shall be retained as such thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

- 4 **Pre-Occupation Condition:** Soft and hard landscaping associated with the development hereby approved shall be implemented strictly in accordance with plans and details indicated on plan reference 2.02. New native planting (excluding any fruit trees) shall be fully implemented in accordance with the approved details within the first planting season following the commencement of the community use hereby approved, unless otherwise agreed in writing by the Local Planning Authority prior to the first commencement of the community use hereby approved. Any approved planting, which within a period of 5 years, dies, is removed, or becomes 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: In the interests of visual amenity in accordance with Policies 25 and 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** The approved parking areas (as detailed on plan reference 2.02 shall be constructed and made available for use prior to the commencement of the community use hereby approved.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policies 40 and 41 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** Prior to the commencement of the community use hereby approved, the Applicant shall implement the measures incorporated within the submitted Green Travel Plan (Folkes Architects received 08.12.2021). These measures shall subsequently be adhered to for the duration of the use hereby approved, unless the Local Planning Authority consents to any variation in writing.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** Prior to the commencement of the community use hereby approved, the cycle parking facilities detailed on plan reference 2.02 shall be constructed and made available for use. Cycle parking facilities shall, thereafter, be retained for the duration of the use hereby approved, unless the Local Planning Authority consents to any variation in writing.



Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** Prior to the commencement of the community use hereby approved, the electric vehicle parking facilities detailed on plan reference 2.02 shall be constructed and made available for use. The electric vehicle parking facilities shall, thereafter, be retained for the duration of the use hereby approved, unless the Local Planning Authority consents to any variation in writing.

Reason: To ensure that there is adequate provision for the parking of electric vehicles in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabits per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** No internally and/or externally located plant, machinery equipment or building services plant, including kitchen extractor and any mechanical ventilation, shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

Reason: To safeguard the amenities of the neighbouring residential property of Daisy Cottage and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

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

- 12 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on plan reference 2.04 rev A.

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).

- 13 **Regulatory Condition:** The premises, with the exception of the residential unit and the body preparation room, shall not be used for community purposes except between the hours of 12:00-22:00 Monday to Friday and 10:00-22:00 on Saturdays, Sundays, bank and public holidays. The premises is authorised for use until 23:00 where events organised as per the Islamic Lunar Calendar are scheduled to finish by 23:00 or 23:30 on the approved Prayer Times Calendar (received: 11.05.2020), on two Eid days between 08:00-23:00, between

09:00-23:00 on 10th Muharram and for two overnight vigils per calendar year as an exception to the hours of use referenced above.

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

- 14 **Regulatory Condition:** The residential unit hereby approved at first floor level shall be occupied solely for purposes connected with the use of the remainder of the premises as a community and religious facility and shall not be severed to form an independent unit.

Reason: To safeguard the amenities of future occupants and in the interests of control In accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

- 15 **Regulatory Condition:** The use hereby approved shall be carried out in accordance with the management practices as detailed within the Noise Management Plan dated 03.01.2023 and received 10.02.2023.

Reason: In the interests of amenity of adjacent occupiers and to ensure the use of the site does not have a harmful environmental effect and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 16 **Regulatory Condition:** No public address equipment, live, recorded or amplified music shall be played or used exterior of the existing building or extensions hereby approved.

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

- 17 **Regulatory Condition:** No prayer meetings or associated activities shall take place outdoors and such activities shall only take place inside the premises.

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

- 18 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

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

- 19 **Post-Occupation Condition:** Upon the first commencement of the community use hereby approved the existing storage shed, car-port and conservatory indicated on plan reference 2.02 shall be demolished and all materials removed from the site.

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

Background Papers: DC/20/0882

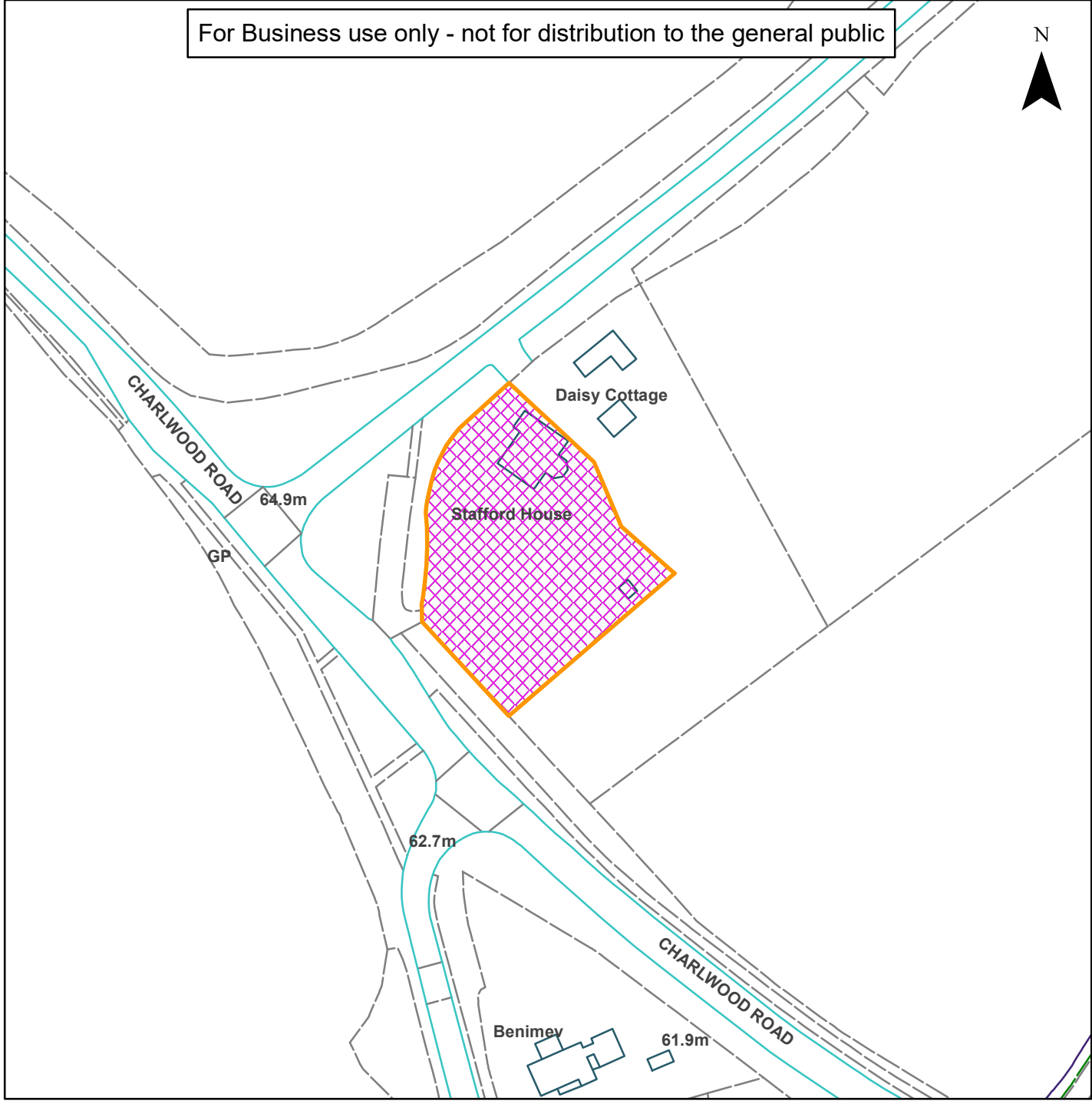
# 06) DC/21/2733



## Horsham District Council

Stafford House, Bonnetts Lane, Ifield, Crawley, West Sussex, RH11 0NX

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| Organisation | Horsham District Council |
| Department   |                          |
| Comments     |                          |
| Date         | 23/02/2023               |
| MSA Number   | 100023865                |

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 7th February 2023

**DEVELOPMENT:** Removal of Condition 4 of previously approved application DC/05/1394 (Erection of a building to provide tea room, play area and toilet facilities) to allow for the removal of the use restriction condition to enable use that is independent of the former Holmwood Farm World.

**SITE:** Holmbush Farm Crawley Road Faygate West Sussex

**WARD:** Colgate and Rusper

**APPLICATION:** DC/22/1976

**APPLICANT:** **Name:** Mr Piers Calvert **Address:** Holmbush Farm Crawley Road Faygate West Sussex

**REASON FOR INCLUSION ON THE AGENDA:** More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

**RECOMMENDATION:** To approve planning permission subject to appropriate conditions

### **1 THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### **DESCRIPTION OF THE APPLICATION**

1.1 The proposal seeks to remove a restrictive occupancy condition on the application building, which is a detached single-storey building of a simple barn vernacular. Permission DC/05/1394 was granted in September 2005 to erect a standalone building on land that was then in use as an open educational farm, Holmbush Farm World, which was to provide an associated tea room, WCs and a soft play area. Before this, Holmbush Farm World had used an area within one of the original farm barns as a visitor tea room and a soft play area for children, with a detached toilet block set some way off the barn cluster.

1.2 Condition 4 on permission DC/05/1394 restricts unfettered use of the building, and ties its operations to the wider use of Holmbush Farm World:

***“The use of the building hereby approved shall be solely for purposes ancillary to the operation of Holmbush Farm World as an open educational farm and shall not be occupied independently therefrom.*”**

***Reason: To accord with the terms of the application and to comply with Policy CS13 of the Horsham District Local Plan 1997.”***

- 1.3 The supporting statement refers to the existing building having served the Holmbush Farm World from when it was first built in 2006 until the public farm closed permanently in December 2013, after the farm became ‘unsustainable in its current form’. The tea room continued to operate between early 2014 and Jan 2022 in its own right as a tea room with soft play area and shop, along with an area of outside seating and play equipment. The Covid pandemic affected the business from 2021 onwards, contributing to the later closure of the tea room in Jan 2022.
- 1.4 Removing the restrictive planning condition would enable the building to be used as a tea room / café in a way that is unfettered to the original associated ‘parent’ use, with Holmbush Farm World having long since ceased operations at the site. It is further stated that by virtue of the restrictive condition being in place, it is not lawfully possible to utilise the building, which could otherwise contribute to the ongoing financial viability of the wider land holding ‘Holmbush Farm’. The proposed use of the tea room as a café would not include the previous soft play equipment.
- 1.5 Although not currently lawfully able to open and trade, officers note that new tenants have begun works to fit out the building to serve as a new café / restaurant venue (Fuel Road House - coffee house / restaurant). The venue currently remains closed pending outcome of the current application.
- 1.6 It is noted that application DC/05/1394 did not include any conditions that would otherwise restrict hours or days of use of the application site. The prospective tenant of the tea room would be looking to trade throughout the week between 09:00 – 23:00 to ensure the proposed use is viable by way of being able to attract trade, along with having the ability to utilise some of the existing outdoor area to provide seating, although the play equipment has been removed as it was damaged.

**DESCRIPTION OF THE SITE**

- 1.7 The application site comprises a single-storey building within the wider Holmbush Farm holding, which lies on the southern side of the A264, and includes a cluster of agricultural farm buildings and Atcost barns, surrounded by pasture land, with some areas still used for sheep grazing. The application building is clad in a light green profile sheet cladding with a profile sheet roof. As such it appears similar to neighbouring barns.
- 1.8 A pair of residential farm cottages stand at the entrance of the site facing onto the A264. A number of businesses occupy the various units and buildings within the wider Holmbush Farm site, including a removal company, a blacksmith, farm shop, and smaller business units: pest control, IT support, Biomass, storage of a catering company, and event catering, along with a further two residential properties. Beyond the cluster of buildings, and accessed along the lane, are a number of other residential properties and premises including fencing contractors, an company specialising in Oak frame structures, sites offering paintballing and outdoor survival / activities, and a public angling lake (Foxhole Ponds).
- 1.9 The site lies within the Strategic Gap between Horsham and Crawley, and is in the High Weald AONB.
- 1.10 Vehicular access into the wider site is via three established vehicular access / exit points along the A264. One access / exit point is sited along the east-bound carriageway (direction Crawley), and there is a similar access / exit point along the west-bound carriageway (direction Horsham). Furthermore, there is also a single access point located

alongside the cottages, which proved one way access into the site off the A264 (direction Horsham). This one-way access into the site was subject to re-alignment as part of the requirements of CG/15/94.

- 1.11 In November 1994, permission was granted to use 2 farm buildings and an adjacent pasture within the Holmbush Farm holding as an 'open education farm' (Holmbush Farm World), to be provided also with a new toilet block, parking area and a canteen, with animal handling within the barns and a small visitor tea room. The venture assisted in the ongoing farm diversification of the land holding (CG/15/94), citing an increasingly challenging climate for the sheep farm's ongoing viability. The permission granted conferred a 3-year temporary consent for the educational use, ending on 31<sup>st</sup> May 1997, in order to monitor the use and to ensure there would be no adverse impact on the character of the AONB. The site plans indicated a parking area large enough to accommodate some 60 vehicles and a bus / coach bay.
- 1.12 When an application was received in 2003 for a single-storey extension to the tea room, in order to provide improved facilities and WC facilities, it was discovered that the open educational farm use had persisted on the site beyond the May 1997 deadline conferred under CG/15/94, and the application was withdrawn (Feb 2004 - CG/35/03). A subsequent application for the extension to the tea room was submitted in March 2004 which also sought to regularise the ongoing open educational farm use at the holding (April 2004 - DC/04/0146). In assessing the permanent consent, it was noted that no complaints had been received in relation to the use, which was considered to complement the wider agricultural activities of the farm holding. The extension to the barn to house new WC facilities, a staff office, reception and a shop, was also considered acceptable to the wider facilities and use. The permission granted included restrictive planning conditions over the use of floodlighting, PA system, and parking anywhere except within an area shown on the associated site plan.
- 1.13 In June 2005, an application was submitted to erect a new building on site to house the tea room, play area and WC facilities, rather than extend the existing barn (as had previously been approved under DC/04/0146), as this offered improved facilities for the site. The new building would also allow the existing barn to be used for additional indoor animal handling. Permission for the 'Erection of a building to provide a tea room, play area and toilet facilities' was granted subject to a number of conditions, including the same parking, PA and floodlighting restrictions imposed on the earlier consent (Sept 2005 - DC/05/1394).
- 1.14 The application site itself is located to the southern side of the cluster of barn buildings, and comprises a single-storey building which was formerly used as a tea room and soft-play centre, and has a total floor area of some 446sq.m. Social Media posts for the former tea room and soft play centre indicates opening times of weekdays only, between 10:00 – 16:00 hours.
- 1.15 The application building is set behind the adjacent barn cluster and so is not visible when travelling along the A264, or from within the farm site itself. It has direct access to the wider parking area, which is not currently marked out and which serves as shared parking for the wider site. A dense and neatly maintained hedgerow around what was formerly an area of outdoor seating also provides screening of the application building.
- 1.16 The site visit revealed that the former barns that were previously used as part of the wider Holmbush Farm World are now in alternative uses, with agricultural purposes being retained in one barn and the other having been converted to office units.

## 2 INTRODUCTION

### STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### **National Planning Policy Framework**

#### **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 10 - Rural Economic Development

Policy 11 - Tourism and Cultural Facilities

Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres

Policy 13 - Town Centre Uses

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 30 - Protected Landscapes

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

Policy 42 - Strategic Policy: Inclusive Communities

Policy 41 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

There is currently no designated neighbourhood Plan area for the parish of Colgate

#### Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

### PLANNING HISTORY AND RELEVANT APPLICATIONS

There is an extensive planning history covering the wider site.

Relating to the application site:

|            |  |                                     |
|------------|--|-------------------------------------|
| DC/06/0099 | Extension to approved new tea room   | Application Permitted on 08.03.2006 |
| DC/05/1394 | Erection of a building to provide tea room, play area and toilet facilities  | Application Permitted on 13.09.2005 |
| DC/04/0146 | Continued use of farm buildings and land to open educational farm and single-storey extension to provide tea room, play area and toilet facilities | Application Permitted on 16.04.2004 |
| CG/35/03   | Single-storey extension to tea room/play area  | Application Withdrawn on 18.02.2004 |
| CG/15/94   | Change of use to an open education farm canteen erection of toilets and formation of car park  | Application Permitted on 22.11.1994 |

## 3 OUTCOME OF CONSULTATIONS



- 3.1 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](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

- 3.2 **HDC Environmental Health:** No Objection

#### OUTSIDE AGENCIES

- 3.3 **WSCC Highways:** No Objection

- 3.4 **Colgate Parish Council:** Comment.

It is understood that Condition 4 can no longer be complied with as Holmbush Farm World is no longer trading, however, if the removal of the condition is approved, it is requested that a new condition is added restricting the permission to being ancillary to the use of Holmbush Farm. A new condition should also be added to restrict hours of use 10am to 4pm to preserve the farmyard setting of the site and reduce the impact on neighbouring properties and the locality. Holmbush Farm is within the AONB, and any occupation of the building needs to be compatible with an Area of Outstanding Natural Beauty.

Speed and gangs of motorbikes racing and meeting along the A264 is already a huge problem, and the PC would not want to see any changes at Holmbush Farm that might exacerbate these issues in the future within the parish.

Three members of the public spoke at the meeting raising their concerns with this application and linked it with a license application recently withdrawn which has caused concern within the parish. Members of the public expressed concern about increased speed and traffic in this regard and facilitating/supporting large groups of vehicles and motorbikes especially as the license application mentioned opening hours until 11pm. Members of the public pointed out that there is a huge problem with motorcycle meets along the A264 in Faygate and feel that any changes allowing accessing a meeting place along the A264 would be detrimental to local resident's wellbeing.

Members of the public also raised concerns about the entrance to and exit from Holmbush Farm being used for any other purpose as both the entrance and exits are not fit for increased use.

#### PUBLIC CONSULTATIONS

- 3.6 To date, letters of representation have been received from 19 separate address points, all of which raise objections to the proposal:

- New operators of the venue 'Fuel Road House' banned from hosting car meets at previous location (Small Dole) due to vandalism, antisocial behaviour and general disregard for local community – bad track record and late opening hours
- Rules are pointless unless there is method to enforce them
- Concern over number of retrospective applications at the site
- Concern over alcohol licence being granted for the site
- Omission that the site is to become 'events space' for frequent and large car meets – overdevelopment of the site and its location
- No public footpath for access – so all traffic has to be via car / vehicles
- Vast increase in traffic to attend car meets – bottlenecks and queues off A264 towards roundabout at Faygate, danger as vehicles suddenly turn off the A264 / no slip lane
- Already another car meet-up / events taking place – no need for another venue
- Potential to impede access to residential area at Kilnwood Vale by way of traffic backing up the A264 trying to access the site

- Proposed car events space would harm amenities of AONB, excessive noise, pollution and physical damage to the area
- Already subject to illegal racing meets along the A264 requiring police action – dangerous instances of driving and disruption to residents, bike gangs terrorising local residents
- Likely escalation without proper controls
- Overdevelopment of the site to accommodate car meets
- Sound cameras which are being trialled around the country are suggested to mitigate potential sound issues arising from the car meets
- If condition is removed, then other restrictive conditions should be applied to ensure site can operate only as per original tea room / coffee shop, with hours of use suggested as 9-5
- Different character proposed for new 100-seater restaurant from previous small tea room with play space for under 5's
- How would proposed business be regulated in providing education for children (reference to Planning Statement 'the new business will be 'providing education & entertainment for children')
- How would proposal to host car events accord with Council's policy for reducing emissions and tackling climate change?
- Increased water use of a 100-seater restaurant? – applicant should be able to demonstrate water neutrality of the new use
- Failure to mention new / proposed business offers take-away / delivery service – potential to increase traffic
- No objections to the farm diversification of a café such as Strawberry Fields / Newhouse Farm, operating Mon – Sat 09:00 – 17:00hours only

#### **4 HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 4.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

#### **5 Human Rights and Equalities**

- 5.1 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.
- 5.1 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

#### **6 PLANNING ASSESSMENTS**

##### Background:

- 6.1 The early planning history involving the wider farm holding, indicates that a number of redundant farm buildings were permitted to be converted to form small offices, workshops and light industrial units (under CG/19/87). Government planning policy at the time supported the re-use of former farm buildings if the buildings were considered worthy of retention, were suitably located and lent themselves to sub-division. The 1987 permission

followed the construction, by WSCC, of an underpass under the A264 to facilitate vehicular access to / from the east-bound carriageway, which enabled easier access to the site from the public highway.

- 6.2 Following the conversions of the farm buildings during the 1980's, it would appear that farm diversification lay at the heart of each relevant planning submission on this site, noting poor farming returns, declining land conditions and changing farming practices which lead to the need to seek alternative uses of redundant areas and buildings of the farm holding. The siting of the farm within the AONB and the strategic gap between Horsham and Crawley is referred to within these preceding applications, with reference to the fact that the buildings were already in existence, and that the vehicular access off both carriageways of the A264 has been constructed to Local Highways standards. The conclusions on successive applications have therefore determined that alternative uses of the farm buildings would be appropriate, given the location of the site off the A264, and that no new development would occur within the sensitive rural location. A small flock of sheep has been retained on the land holding, and continues to graze parts of the site today.
- 6.3 More relevant to the current application being considered, is the establishment of Holmbush Farm World as an 'Open Farm' educational centre following the temporary permission granted under CG/15/94, which cited a diminishing financial viability of the sheep farm on account of the farming recession, small flock size and poor winter land conditions. Despite being in breach of the 3-year temporary permission granted under CG/15/94, the open farm educational use persisted until 2004 when permanent consent was granted for the use under DC/04/0146. Officers noted during the assessment that the Council had not received any complaints regarding the use, or the impact on the AONB during the years in which the open farm continued to operate. Also permitted under DC/04/0146 was an extension to one of the existing barns which housed the tea-room, shop and covered play area, which would accommodate enhanced WC facilities, a site office, reception and shop, further recognising the benefits that ancillary facilities could have in support of the main farm use of the site. Aerial photographs show the car park area was formerly laid out in rows to facilitate parking for the farm attraction.
- 6.4 The subsequent application which granted permission for a new building to house the tea room (DC/05/1394) accepted the ongoing farm diversification, the public use of the open educational farm and the need for the site to include a tea-room, shop, staff and customer facilities. However, the consent sought to limit the development of the site by ensuring that the two consents for the tea rooms (including the extension granted under DC/04/0146) could not be implemented alongside each other, and furthermore, that the new building should be tied to the functional need of the open educational farm. Officers understand that the open farm park Holmbush Farm World ceased operation in December 2013, but that the tea room and soft play centre continued to operate until Spring 2022, with the closure due in part to the changing habits of customers post-Covid.
- 6.5 The area comprising the cluster of farm buildings adjoining the northern side of the application building, is considered to be an 'Existing Employment Area' in terms of local planning policy, where regeneration, smart growth, intensification and redevelopment can contribute to sustainable employment development under HDPF policy 7. Furthermore, the application building was lawfully erected in accordance with permissions DC/05/1394 and DC/06/0099 (which permitted storm porches to the two entrance points).
- 6.6 Key to the determination of the current application is the recognition that Holmbush Farm World is no longer in operation at the site, and has not been in operation for 10 years, with no prospect of returning. Therefore, the lawful use under which the application building can operate, as per planning condition 4, has ceased, resulting in a lawful building with no current lawful use.

- 6.7 The application therefore seeks to remove the restrictive operational condition, thus enabling the building to be brought into lawful independent use in its own right, unfettered from any associations with the now defunct Holmbush Farm World.

Principle:

- 6.8 It is noted that the tea room / café has been an established part of the site since Holmbush Farm World opened following the grant of planning permission in November 1994 (CG/15/94). Although it is also recognised that there were no historic opening hours restrictions on this permission, it is understood that the public aspect of the farm and its associated café operated weekdays only until 16:00hours as it was promoted as an educational venue for school visits.
- 6.9 There has therefore been a functioning café serving the Holmbush Farm World for many years, which has been served by a visitor / customer car park and an area of outside seating / play space. In terms of the application building, this became established as a café / tea room by way of the consent granted under DC/05/1394. Officers therefore note that there has been a functioning tea room /café operating from this site for some 27 years albeit still in association with the parent use Holmbush Farm World. Furthermore, although the parent use 'Holmbush Farm World' ceased opening to the public in late 2013, use of the application building for an independent tea room / café continued until 2022, along with use of an area of outside seating and play space.
- 6.10 it is also to be noted that the adjacent cluster of farm buildings, most of which have been converted to serve as various commercial premises, have been actively used for non-agricultural purposes since the late 1980's, when permission was first granted for the creation of 11 units (under GC/19/87). These non-agricultural uses have co-existed with the retained residential properties on site since that time, and are now within the defined 'Existing Employment Site' that lies directly alongside the application site, and also share the same vehicular access to / from the A264 as used by the application site.
- 6.11 When the application for the new building and its use as a café associated with the farm was considered under DC/05/1394, the development was justified on account of all existing buildings available to Holmbush Farm World were in use either as part of the wider farm diversification, were already part of the children's farm or were still in agricultural use. The 'new' building which was to form the café / tea room was acknowledged not to serve agricultural purposes, but was considered in term of rural diversification relating to the wider land holding / estate, and which was therefore provided with policy support.
- 6.12 In granting permission for the new building in 2005 (DC/05/1394), it was considered necessary and appropriate to ensure the building would function as part of the wider farm unit and the use of the site as Holmbush Farm World, and supporting the farm diversification, with Cond 4 including the following restrictions over use:

***"The use of the building hereby approved shall be solely for purposes ancillary to the operation of Holmbush Farm World as an open educational farm and shall not be occupied independently therefrom.***

***Reason: To accord with the terms of the application and to comply with Policy CS13 of the Horsham District Local Plan 1997."***

- 6.13 Although the reason for the planning condition refers to the 1997 Horsham District Plan, which has since been superseded by local and national planning policy, there remains a requirement that planning conditions must fulfil a number of criteria and satisfy the following tests, as set out under para 56 of the NPPF. Planning conditions must be:

- 1 necessary;
- 2 relevant to planning;
- 3 relevant to the development to be permitted;
- 4 enforceable;
- 5 precise; and
- 6 reasonable in all other respect

#### Justification

- 6.14 For the sake of this application, it is therefore to be considered whether the planning condition continues to serve a necessary, relevant, enforceable, precise and reasonable planning purpose.
- 6.15 When permission for the tea room building was granted (under DC/05/1394), the new building in a rural location and within the AONB was considered appropriate only on account of the rural diversification needs of an established rural business, with Holmbush Farm World operating as part of the wider agricultural land holding, Holm, or Holmbush Farm. The building, and its use as a tea room were therefore functionally linked to the parent business.
- 6.16 Officers acknowledge that the original parent business, Holmbush Farm World, ceased trading in 2013, and, until that time, the building and its use operated lawfully and met all of the above tests. Since 2013, the tea room has continued to operate from the site as an independent venue, albeit still forming part of the wider diversified Holmbush Farm, which also includes a separate farm shop, Air B'n'B and the commercial spaces. The tea room and soft play area succumbed to the change in customer habits following the Covid pandemic, closing in early 2022, but a new tenant has since been found and is seeking to retain a catering-based business at the site, offering a café / restaurant from the site instead of the tea room and soft play.
- 6.17 Officers consider that the proposed independent use of the building to function as a restaurant / café unfettered to the original parent business of Holmbush Farm World, would still serve the wider diversified farm estate of Holmbush Farm, and furthermore, would retain the same overall use class as per the original café / tea room. The former tea room and soft play would have attracted day-time trade, likely families with under 5's seeking out the soft play and outside space that remained available following closure of Holmbush Farm World, all of which would have travelled to the site by car owing to its location. The intended café / restaurant use would likely attract a customer base from within the site, as well as continuing to attract vehicular-based customers, allowing use of the outside seating area as part of the business, as per the previous use.
- 6.18 The former tea room and soft play operated continually in breach of the planning condition since Holmbush Farm World closed in late 2013, without complaint having been received by the Council. When first permitted in 2005, the site would have been subject to linked trips as part of wider visits to Holmbush Farm World rather than as a destination point in its own right. The more recent independent tea room use would have served as a destination in its own right, not dissimilar to the proposed use if Condition 4 is removed.
- 6.19 Officers acknowledge that the erection of a new building in the rural area and within the AONB would unlikely be considered acceptable if considered now for an independent café / restaurant use. However, the building was erected and brought into use lawfully under the planning conditions that were applied at the time, and continued to operate lawfully for some 8 years, before the independent tea room use continued for another 8 years within the application building. In this sense, it is acknowledged that the building itself has stood

on site for some 17 years and has now become established as part of the cluster of farm buildings and converted agricultural barns at the site. The outside seating area has been similarly established and enclosed by established fencing and hedgerows. In terms of the principle of an unfettered café / restaurant use at this location, officers consider that, subject to the considerations in relation to other planning matters, such as impact on highways and amenities, this could be considered acceptable having noted the long-established presence of the former café / tea room operating from the same site. The proposed unfettered use of the application site as a café / restaurant would continue to serve visiting trade as well as attracting an element of trade from within the site itself as per the previous café / tea room.

#### Highways Impact:

- 6.20 The Local Highways Authority have reviewed the case, and have provided additional comments in relation to the likely impact that the removal of the condition could have on the number of vehicular movements to and from the site, and how this might affect the public highway. It is acknowledged that unrestricted use could lead to longer trading hours than had previously operated, as well as use at weekends.
- 6.21 Primarily, it is recognised that the three existing vehicular access points to the site from the A264 are historic and are the established means of accessing not only the application site, but also the wider uses at the farm and beyond. Having assessed the available accident data, Highways officers conclude that the one reported accident in the vicinity of the westernmost access, was down to driver error, reportedly not anticipating a vehicle turning into the site. This in itself, does not lead to concerns that the access points are in any way deficient.
- 6.22 The applicant has offered to restrict vehicular access to the unfettered tea room to the northern access off the A264 only (east-bound carriageway – direction Crawley), but officers note that the existing access points along the west-bound carriageway would remain open and therefore available for use. Local Highways Officers advise that the only way to ensure users utilise a specified access would be to close the other accesses, but this in itself may lead to other operational issues of the wider site, hence why this has not been proposed as part of the current application. However, it may be that the applicant encourages prospective customers to the unfettered tea room to use the specified access point by way of signage, social media or publicity material, which may reduce use of the access points on the west-bound carriageway, although it would not entirely prevent it. Any new signage may be subject to separate planning controls under the Advertisement Regulations.
- 6.23 As concluded by the Local Highways Authority there is no deficiency in the way the historic and established vehicular access points to the public highway operate. Whilst it is acknowledged that the unfettered use of the tea room could lead to a potential increase in vehicular trips by way of longer opening hours or weekend use, this is not considered to significantly increase the vehicular movements that could have arisen as part of the consented use. It is also acknowledged that the access points are shared with other established uses on the site and beyond.
- 6.24 The application site benefits from an established and sizable area of hard-standing that is used collectively by the wider site of the parking of vehicles, and remains available for use by the tea room customers. Although no longer marked out formally into spaces, the area of hard surfacing has sufficient capacity to accommodate the ongoing parking needs of the tea room if operating in an unfettered manner, as well as continuing to serve the wider site. It was formerly noted to have been laid out in rows during the time that Holmbush Farm World operated from the site, and the applicant intends to improve this again once the viability of the tea room use has been established. The car park is some 30m from the entrance to the application building, separated only by a recently improved forecourt paving

to the front of the tea room. As originally approved, the customer area within the building was around 288sq.m, with the remaining space used for Kitchens, WC's and a shop / reception area. Based on this, the current WSCC Parking Guidance (2020) would suggest 1 parking space per 5sq.m of customer space (resulting in some 58 parking spaces being advised).

- 6.25 Given the location of the site, it is clear that most visitors / customers would gain access by way of vehicular travel, as indeed was the pattern associated with the original Holmbush Farm World. The site continues to be conveniently accessed off the A264 with three dedicated access points, and provided by way of an appropriately sized parking area.
- 6.26 Following assessment of the proposal by the Local Highways Authority, the potential unfettered use of the application building is not considered to lead to any material intensification of the public highway network, over and above the existing level of traffic to the wider Holmbush Farm site and the wider uses operating from the site and beyond.
- 6.27 Therefore, the proposed removal of the stated planning condition would continue to satisfy the requirements of HDPF policies 40 and 41, and para 111 of the NPPF, as there would be no unacceptable impact on highway safety, and no severe residual cumulative impact on the public road network.

#### Neighbour Amenities:

- 6.21 Policy 33 of the HDPF seeks to ensure that proposed development does not result in unacceptable harm to the amenities of nearby occupiers/users of land, in terms of privacy, the receipt of natural light and/or disturbance. A number of concerns have been cited by neighbouring and nearby residents over the likely increase in noise and activities occurring by way of unfettered use of the application site, with particular reference to the noise generated by motorbikes.
- 6.22 Officers acknowledge these concerns, and note that the venue remains closed for business, pending the outcome of the current planning application. Officers are aware of reports of 'illegal racing meets' being held on the A264 at nights, with reports of these dating back to 2019. Furthermore, reports of these occurrences appear to be a wider issue, with reports of similar activities affecting the A23 and A27 amongst other locations.
- 6.23 Whilst the prospective tenants of the application site appear to be an automotive-themed café, officers refer back to the main thrust of the current application, which focusses on seeking an unfettered tea room use rather than a specified end user. Furthermore, as these wider street racing issues appear to be affecting the roads of the district and beyond more generally, and predate the current planning application, there is no evidence to suggest that there would be a direct link between the issues which are currently affecting nearby residents, and the impact arising from an unfettered use of the tea room.
- 6.24 Officers refer back to the main considerations in relation to the current application, being the removal of a restrictive condition only, which currently limits the use of the tea room to an ancillary use of the former parent Holmbush Farm World, a use that ceased in 2013 years ago. Also noted is that the tea room continued then to operate for some 8 years without complaint. If the restrictive condition is lifted, then the consented use of the premises as a tea room / café / restaurant would remain in place, unless subject to a future change of use application (required on account of the location being within an AONB thus limiting the scope for permitted development).
- 6.25 As stated elsewhere in the report, vehicular access to the site is historic and established, and is shared with a number of other premises, residential properties and commercial uses. Whilst it is acknowledged that recent development within the Kilnwood Vale

expansion has resulted in new dwellings backing onto the northern (east-bound) access off the A264, it is to be noted that the access and its use predates the new dwellings.

- 6.26 In relation to the application building, where the unfettered use of a tea room is proposed to continue subject to lawful consent being obtained, nearby residential properties are noted some 90m to the north-west (No's 1 and 2 Holm Farm, and The Barn), 130m to the north (No's 1 and 2 Holbush Farm Cottages), 174m to the east (Hopper Farm), 410m south (Rose Cottage Farm House), 660m west (Park Cottage).
- 6.27 Accordingly, there is no evidence to suggest that the proposed unfettered use of the tea room would result in detrimental increase in activities occurring at the site under the current application. It is to be noted that any deviations beyond the tea-room / café / restaurant use of the site may necessitate further planning applications during which any respective concerns can be appropriately considered and/or addressed.
- 6.28 However, it is noted that the current tenant of the application site wishes to operate the café / restaurant business for extended hours beyond those which were traditionally applied by the former farm and tea room (being 16:00hours on weekdays), along with use at the weekends. Officers understand that hours of 09:00 – 23:00hours would be considered viable for the business, with the proposed evening activity also stated as being beneficial in terms of wider farm security as it would offer a presence within the farm when other businesses on site are closed. Most thefts from the site have historically occurred between the hours of 21:00 – midnight.
- 6.29 Whilst officers acknowledge that daytime trade has the potential to match the historic use of the application site, the proposal to extend opening hours into the evenings and at weekends need to be carefully considered. The location of the application site close to the A264, which is a busy dual carriageway / trunk road, is noted to provide convenient vehicular access, as well as a background source of noise which sees high levels of traffic across a 24-hour period. As noted within the Local Highway Authority's assessment, the proposed unfettered use of the application site is not considered to lead to a material intensification of use of the public highway network. But, consideration needs to be given to the associated increase in activity not only at the site, but also of the vehicular access points themselves, with two of the existing access points running directly alongside residential properties.
- 6.30 When the conversion of the former agricultural buildings within the wider farm holding were approved under CG/19/87, their use was subject to an hours of use restriction, limiting trade and business to between 07:30 – 19:30 Mondays to Fridays and 07:30 – 13:00 Saturdays with no trade or business permitted on Sundays or Bank Holidays. Traffic to the local angling lake Foxhole is between the hours of 07:00 – dusk, with other business on or beyond the site indicating their business hours up until 16:00 / 17:00 hours. Tough Mudder events have been strictly limited in number per year and take place on the land to the south.
- 6.31 The overall planning history of the site therefore indicates that beyond 17:00 / 18:00 hours and at the weekends, the established uses across the wider site fall away. Officers recognise the benefits of the additional surveillance offered by the extended opening hours, but consider that such a use would be a significant change and departure from that which had been permitted for the application site under DC/05/1394. In terms of potential adverse neighbour amenity impacts, the extended opening hours being sought would create additional disturbance, by way of the associated vehicular movements accessing and exiting the wider site, noting the proximity of residential properties within the wider site and backing onto the northern access loop.
- 6.32 The current application directs itself to the removal of the restrictive planning condition only, which currently limits use of the application building to being an ancillary function of the former Holmbush Farm World, seeking to ensure that the use was in support of the stated



farm diversification. Whilst Officers are of the opinion that a café / restaurant use would be appropriate to continue to operate from the site, given the long established history of the café / tea room, the associated extended hours which are also being sought by way of the application, would lead to a material change in the nature of the planning application being considered.

- 6.33 Officers therefore consider that in the first instance, the removal of the restrictive planning condition, enabling unfettered use of the existing tea room as a tea room / café would not raise any undue amenity harm to neighbouring and nearby residential and commercial properties. Furthermore, it is recognised that there were no hours of use restrictions imposed on the operations of the educational farm under CG/15/94, nor subsequently applied to the erection of the new building to form a tea room and soft play area associated with the host farm under DC/05/1394. It is therefore clear that historically, the site has only been open to the public and customers in a manner that was quite modest, being limited to weekdays and closing at 16:00hours.
- 6.34 In conclusion, officers consider that the removal of the stated condition could be recommended for approval without leading to a significant level of harm to neighbouring amenities, if the proposed use and the way the site operates remains comparable to the established and historic use of the site. Although the location of the site close to the A264 with three established vehicular access / exit points is noted, along with the presence of other established commercial uses operating across the site and beyond, officers consider that extended opening hours into the late night and at weekends / bank holidays would lead to the introduction of a materially and significant change to the nature of the application site.
- 6.35 As noted previously in the Highways section of the report, whilst the applicant may wish to encourage customers to using specific access / exit points between the site and the A264, these cannot be controlled and enforced by way of planning conditions, and so, the increased traffic and vehicular movements seeking to access and leave the site would lead to potentially harmful adverse amenity impact to the nearby and neighbouring residential properties, particularly in the later evening hours when background noise levels may be reduced, and thus more perceptible at these properties.
- 6.36 It is therefore suggested that hours of use conditions be applied that would limit the unfettered use of the application site during these hours, enabling the residential amenities of neighbouring and nearby properties to be appropriately protected, noting the location of the site and wider uses present. This would enable independent use of the standalone premises to be tried and tested, and potentially enabling extended hours to be considered separately at a later date.

#### Water Neutrality:

- 6.37 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.
- 6.38 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.

- 6.39 The proposal seeks to remove an ancillary use condition attached to a tea-room which has been in operation on the site in some form since 1994, when Holmbush Farm World was established. The removal of this condition would not result in an increased level of water demand over and above the existing arrangement. The proposal would thus not result in any significant effect on the protected area.

### CONCLUSION

- 6.40 In assessing this application officers have referred back to the 6 tests which any planning conditions must meet, as defined under para 56 of the NPPF.
- 6.41 It is clear that when the decision was taken on application DC/05/1394, the benefits that a purpose-built tea room could bring in support of the ongoing farm diversification at the site were balanced against the harm that may occur as a result of development in a rural location and within the ANOB, referring back to the open educational farm originally permitted under CG/15/94 in support of farm diversification. Therefore, the restrictive planning condition which tied the development and subsequent use to the parent business of Holmbush Farm World, was necessary to ensure the use remained supportive to the farm diversification of the site, as justified by the planning policies in place at the time, thus also relevant to planning, and relevant to the development permitted.
- 6.42 Officers also acknowledge that the wording of the condition is sufficiently precise so that any breaches can be enforced against. As it stands, it is clear that any independent occupation of the building as a tea room remains in breach of the condition. Despite the parent business, being Holmbush Farm World, no longer operating from the site, enforcing the condition would render the application building unusable.
- 6.43 Turning to the last test requiring that planning conditions be reasonable in all other respects, officers consider that the condition now fails this test, particularly as the parent use (being Holmbush Farm World) has not been present at the site for some 10 years now, and noting that the premises has been operating in breach of the condition, without complaint, for some 7 years of that period (taking account of the closures during the Covid lockdowns)
- 6.44 There is therefore a clear indication that unfettered use of the application site has the capacity to operate without any complaint, as has been evident since early 2014 by way of the ongoing operation of the tea room and soft play until early 2022. It is considered reasonable to seek alternative uses of the existing building, which would continue to support the ongoing businesses at the site and the wider diversification of the site. Furthermore, officers consider that the proposed café / restaurant use would be aligned with the established café / tea room use, with both having benefitting from existing hard-standing and outdoor seating areas.
- 6.45 There is no reason to suggest that the formal removal of this condition would lead to adverse impact on the setting of the rural area or harm the special qualities of the AONB, which were the driving considerations when the original application was considered under DC/05/1394.
- 6.46 However, officers are concerned that unrestricted and unfettered use of the application site would lead to a material change in character and localised context, giving rise to adverse harm to the neighbouring amenities by way of extended opening hours and days beyond those which have been historically established at the site.

6.47 Accordingly, officers recommend the removal of the specified condition and amendment to the decision under DC/05/1394, but also suggest that an hours of use condition be imposed in order to ensure that the operation of the application site remains appropriate to the local context.

## 7 RECOMMENDATIONS

7.1 It is recommended that condition 4 of DC/05/1394 be removed.

1 **Regulatory Condition:** Parking in connection with the use hereby approved shall not take place anywhere on the farm except within the area shown on the approved plan.

Reason: In the interests of the visual amenities and to comply with Policies 26 and 33 of the Horsham District Planning Framework (2015).

2 **Regulatory Condition:** No public address or other sound amplification system shall be installed or used without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of nearby residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015)

3 **Regulatory Condition:** No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority. Any that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

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

4 **Regulatory Condition:** No externally located plant or equipment shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

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

5 **Regulatory Condition:** The premises, including the associated outdoor seating area, shall not be open for trade or business except between the hours of 09:00 – 18:00 Mondays to Fridays, and 09:00 – 14:00 Sundays and Bank Holidays.

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

Background Papers: DC/22/1976

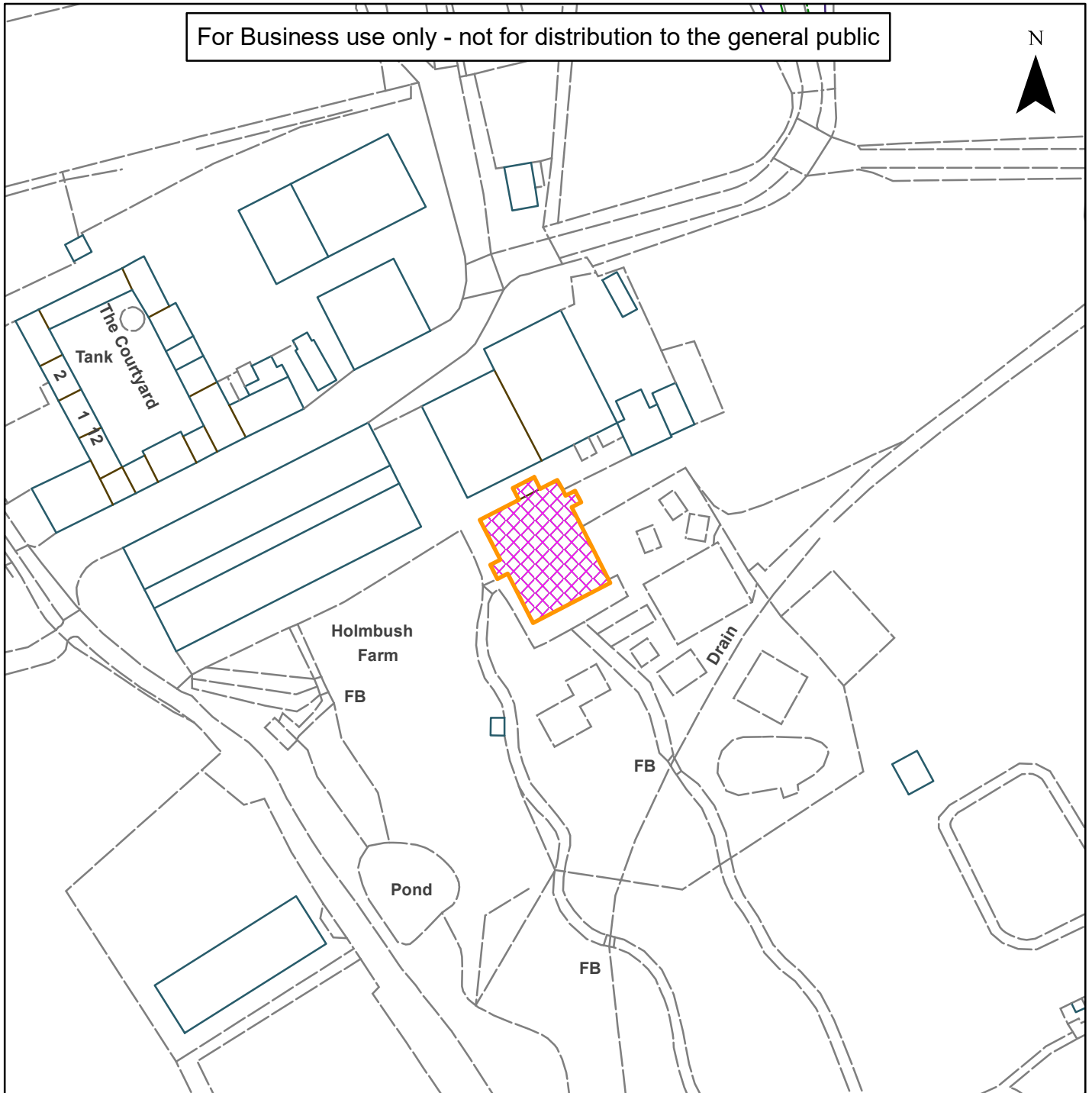
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Holmbush Farm, Crawley Road, Faygate, West Sussex

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Scale: 1:1,250

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| Organisation | Horsham District Council |
| Department   |                          |
| Comments     |                          |
| Date         | 23/02/2023               |
| OSA Number   | 100023865                |

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development and Building Control

**DATE:** 7<sup>th</sup> March 2023

**DEVELOPMENT:** Change of use of existing unit from Light Industrial/ Storage (Use Class E/ B8) to Brewery Tap Room and ancillary storage facility (Sui Generis).

**SITE:** Woodshed Music Ltd Unit 1 Blatchford Close Horsham West Sussex RH13 5RG

**WARD:** Roffey South

**APPLICATION:** DC/22/1933

**APPLICANT:** **Name:** Mr Rohan Hill **Address:** 23 The Gables Wimblehurst Road Horsham RH12 2EE

**REASON FOR INCLUSION ON THE AGENDA:** This site is owned by Horsham District Council

**RECOMMENDATION:** To refuse planning permission

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks retrospective planning permission for the change of use of Unit 1 within the Blatchford Close industrial estate from the permitted use of Light Industrial/ Storage (B1c/B8 now Class E/B8) to a Brewery Tap Room/ Tasting Area and ancillary storage use (Sui Generis Use Class). No external alterations are proposed.
- 1.2 The Planning Statement suggests that this unit would comprise a number of taps and beer pumps to serve real ale and beer for on site consumption, and to take away in bottled/ canned form.
- 1.3 The site is laid out with a bar serving the tap area and a seating area to the front in the style of a drinking establishment. To the rear is a store area and a WC. Drinking establishments formally sat within Use Class A4, but now comprise a Sui Generis Use under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

#### DESCRIPTION OF THE SITE

- 1.4 The application site (Unit 1) is situated within the Built Up Area of Horsham and is located towards the end of the Blatchford Road/Blatchford Close industrial estate. This industrial

estate is identified as a Key Employment Area within the Horsham District Planning Framework.

- 1.5 Unit 1 forms the end unit in a parade of small industrial 'start up' units with associated car parking located in front of the units. The surrounding units are occupied by a variety of businesses including Electrical Contractors, Bathroom Supplies, Heating Engineers, IT Services, Sign Makers, Bathroom Fitters, The Cake Tasting Club and Bangers Galore.
- 1.6 Unit 3 is occupied by Horsham Brewery Company with planning permission granted in 2021 by this committee for a micro- brewery with an ancillary brewery shop and tap room/ tasting area (Use Class B2).
- 1.7 All the units within this part of the industrial estate are owned by Horsham District Council, including Units 1 and 3. It understood that the application site at Unit 1 is currently being occupied contrary to the lease agreed with HDC which was specifically for offices with an ancillary tap room. This use would have fallen within the permitted use class for this part of the industrial estate.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

#### **National Planning Policy Framework**

#### **Horsham District Planning Framework (HDPF 2015)**

Policy 1 - Strategic Policy: Sustainable Development  
Policy 3 - Strategic Policy: Development Hierarchy  
Policy 7 - Strategic Policy: Economic Growth  
Policy 9 - Employment Development  
Policy 13 - Town Centre Uses  
Policy 33 - Development Principles  
Policy 41 - Parking  
Policy 41 - Community Facilities, Leisure and Recreation

#### **Horsham Blueprint 2019-2036 (August 2022)**

HB9: Protecting existing and encouraging new commercial premises and land

Northern West Sussex Economic Growth Assessment Supplementary Report (2015)

#### Planning Advice Notes:

Facilitating Appropriate Development  
Biodiversity and Green Infrastructure

### PLANNING HISTORY AND RELEVANT APPLICATIONS

|           |  |  |
|-----------|--|--|
| HU/372/61 | Erection of 10 rented factory workshops<br>(From old Planning History)   | Application Permitted on<br>20.11.1961 |
| HU/70/01  | Construction of a new pitched roof installation of new<br>front entrance screen and roller door<br>Site: Units 1-20 Blatchford Close Horsham | Application Permitted on<br>04.04.2001 |

## 3. OUTCOME OF CONSULTATIONS



- 3.1 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](http://www.horsham.gov.uk)

#### INTERNAL CONSULTATIONS

##### **HDC Environmental Health and Licencing:** Comment

- 3.2 The development is sited in a commercial area Horsham, although domestic properties are located approx. 65 metres to the west and 75 metres to the south. This Service makes the following recommendations for Conditions which should be attached to the development, should the Application be Permitted.

1) No externally located plant is to be installed without prior consent from by the Planning Authority.

2) No extract-ventilation plant with efflux to the external environment is to be installed without prior consent from by the Planning Authority.

3) The premises is only to be open to the public between the hours of 17:30pm and 22:30pm Monday to Thursdays inclusive, 17:00pm and 23:00pm on Fridays, and 11:00am and 21:00pm on Saturdays, with no opening on Sundays or Bank Holidays. In addition, this Service makes the following recommendations for Conditions to minimise disturbance during the undertaking of the development works, should the Application be Permitted:

4) Demolition and/or Construction Phase a) Suitable assessments should be made to identify any asbestos contained within the building and controls put in place to ensure safe removal and disposal where necessary. b) A licensed waste removal contractor should remove all clearance debris and construction waste from site. c) No burning of materials should take place on site. d) Hours of construction activities (including deliveries and dispatch) should be limited to 08.00 – 18.00 Monday until Friday, 09.00 – 13.00 Saturdays and no activity on Sundays or Bank Holidays.

##### **HDC Economic Development:** Support

- 3.3 Economic development supports this proposal. The Economic Strategy highlights the importance of supporting local businesses to develop and thrive through inward investment throughout the District. In order to encourage this investment by businesses, it is to continue to support opportunities for development in the commercial landscape and support the proposals that will add to the local economy of the District.

- 3.4 The current proposal would see the premises remain occupied under a change of usage which we not believe will have a negative impact on the area. By supporting this application, Horsham District will have another operational business that will add to the local economy. The limited amount of change to the site should also be seen as beneficial in this proposal. The application should be seen as another step towards supporting local businesses to thrive in the District.

##### **HDC Property and Facilities:** Object

- 3.5 This is a retrospective planning application. This is not clear from the application. The unit is not empty, as stated in the planning statement, it is occupied and trading as a Tap Room.
- 3.6 The planning application states that the property would be used as an 'auxiliary' tap room for the Brewery two doors away and that there has been a misunderstanding with HDC's lawyers and property team regarding planning use. What is now being presented in the planning application is not what is reflected in the lease, which is that the use would be for offices with

an *ancillary* tap room, which falls within class E. When the tenant fitted out the unit they fitted it out as The Tap Room with no offices. The Tap Room is the dominant use, which means that the tenant is in breach of planning.

- 3.7 There were other potential class E tenants interested in this unit, it is not true to say that this proposal would 'bring a vacant industrial unit into effective use'. This small estate is incredibly popular and we have no problems whatsoever in letting units under the existing use class.

#### OUTSIDE AGENCIES

##### **WSCC Highways:** Comment

- 3.8 The Local Highways Authority (LHA) has viewed the submitted plans and documents. However, at this stage we would request that some additional information is submitted to allow further assessment from the highway's perspective:
1. Please provide trip rates for existing and proposed uses.
  2. Please provide justification and mitigation for the parking provision verses demand (in relation to WSCC parking demand calculator) of the site.
- 3.9 Until such time, the LHA are not in a position to provide final comments until we receive the requested information as stated above. The applicant and Local Planning Authority should be aware that the information provided for this request, might result in the need for further documentation upon resubmission.

##### **Natural England:** Objection

- 3.10 Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.
- 3.11 Your appropriate assessment concludes that your authority is not able to ascertain that the proposal will not result in adverse effects on the integrity of any of the European sites in question, chiefly due to a lack of water neutrality consideration. Having considered the assessment, Natural England concurs with the conclusion you have drawn that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity.
- 3.12 Natural England advises that the proposal does not provide enough information and/or certainty to enable adverse effects on site integrity to be ruled out. Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 3.13 As the conclusion of your Habitats Regulations Assessment states that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of regulation 64; that is that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.

## PUBLIC CONSULTATIONS

### **Forest Neighbourhood Council: No Objection**

- 3.14 Eleven (11) representations have been received supporting the development for the following reasons:
- The brewery is a community asset and has had a positive impact on the local area bringing the local community together,
  - The brewery supports other local brewers and producers
  - The brewery will help relieve mental health issues common amongst older men
  - Facility is small and ideally located to avoid traffic congestion and noise
  - Employment for bar staff who have lost their jobs as a result of pub closures elsewhere
  - Hours of operation are less than the former music school, meaning less water use
  - The tap is also using water saving methods
  - Growth of local economy

[Nb all eleven representations were received outside of the consultation period]

## **4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS**

- 4.1 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.
- 4.2 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. It is noted that a representation letter refers to the benefit of the development in helping relieve mental health issues common amongst older men and this has been considered in the consideration of this application. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

## **5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER**

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

## **6. PLANNING ASSESSMENTS**

### Principle of Development

- 6.1 Policy 7 (Strategic Policy: Economic Growth) of the HDPF seeks to achieve sustainable economic growth for Horsham District to 2031. Policy 7 states that this will be achieved in a number of ways, including the development, regeneration, intensification and smart growth of existing employment sites and the retention of Key Employment Areas for employment uses.
- 6.2 Policy 9 (Employment Development) of the HDPF states that redevelopment in the Key Employment Areas must not result in the overall loss of employment floorspace. Proposals for alternative uses within the Key Employment Areas will be allowed where it can be demonstrated that the sequential approach has been applied to the redevelopment of the

site, and the proposals support their integrity and function as centres for employment. The policy seeks to balance the need to ensure protection of valued employment and commercial sites to ensure there are sufficient local employment opportunities to meet the needs of the District, whilst enabling sites which are no longer economically viable to be considered for other appropriate uses.

- 6.3 The sequential approach is a planning principle that seeks to identify, allocate or develop certain types of uses before others. In this instance, the HDPF requires the sequential approach to be applied to development proposals in the Key Employment Areas. The sequential approach is set out in the supporting text to Policy 9 and favours employment based redevelopment in the first instance, mixed use or other employment creating use redevelopment in the second instance and lastly, alternative non-employment use based redevelopment. Although not expressly stated within Policy 9, employment uses are those that fall within Use Class E(g) (formerly B1), B2 and B8 commensurate to the evidence base which supported the allocation of the wider industrial estate as a Key Employment Area.
- 6.4 The original B-class sectors including B1, B2 and B8 are generally accepted to be the use classes generating employment space. This is supported by the latest Economic Growth Assessment (2020) prepared for Horsham District Council which focuses only on B-class uses in a review of employment space requirements in the District. (Nb Units permitted for B1 use now fall within the new E(g) Use Class).
- 6.5 This unit is located within a defined 'Key Employment Area' of Blatchford Road where a range of employment uses- industrial and commercial occupy the small units under lease from Horsham DC. From the Case Officer's site visit it was observed that there is a high occupancy rate in the Blatchford Road/Close Key Employment Area and the landlords of the units have confirmed that there are no vacant units at present. These units are occupied by various users including Bathroom Supplies, Heating Engineers, IT Services, Sign Makers, Bathroom Fitters, The Cake Tasting Club and Bangers Galore. Unit 3 is occupied by Horsham Brewery Company with planning permission granted in 2021 (DC/21/0426) by this committee for a micro- brewery with an ancillary brewery shop and tap room/ tasting area (Class B2).
- 6.6 This application proposes the change of use of the unit to a Drinking Establishment which would have formerly fallen within an 'A4' use class and now falls within a Sui Generis use Class (since 2020). No evidence of marketing of the unit for its existing permitted use has been provided and there is no evidence to show that the existing unit could not be occupied by another Class E/B8 use in this case. The landlord has confirmed that interest has been expressed in the unit from alternative occupiers who would fall within B8 or E use class. When the unit became available there were two very interested parties, one of which would have been occupying the site in an office and storage use. The Key Employment Area has a high occupancy rate and appears to be a thriving and viable employment site, and it is considered to be highly likely that another Class B8 or E use could occupy the site. In the absence of any supporting marketing evidence it is considered there is insufficient grounds to justify the loss of the Class B8/E use within a Key Employment Area to a Sui Generis use.
- 6.7 No information has been provided to set out whether any alternative sites have been considered for this particular use proposed, and reasons why this site is considered to be appropriate in the applicant's opinion despite being contrary to policy. The proposed use as a Brewery Tap Room would generate employment of approximately 2 members of staff. No information has been provided in relation to the previous occupier of the unit and the number of employees on the site, however it is estimated that a unit of this size (37 square metres) could provide employment for more workers under its permitted Class E/B8 use with an estimated 4 full-time staff if in office use (OffPAT employment densities Guide 2010).
- 6.8 It is acknowledged that in this case the proposed use would create some degree of employment, however a drinking establishment does not provide the same type/quality of

employment as the Class E/B8 uses which Policy 9 seeks to safeguard in this Key Employment Area, and no evidence has been provided that alternative more suitable premises cannot be found. It is not therefore considered that the provision of two jobs within a drinking establishment is sufficient reason to justify the loss of this Class E/B8 use within a Key Employment Area, contrary to Policy 9 of the HDPF.

- 6.9 It is acknowledged that the proposed use could be considered to be a 'community facility' as defined in Policy 43 of the HDPF, which seeks to support the provision of new community facilities, particularly where located in accordance with the Development Hierarchy. However, such uses should not be directed to safeguarded Key Employment Areas in the first instance, as these Areas are specifically safeguarded for industrial/commercial uses including start-up enterprises. A drinking establishment in this regard is of little wider benefit that does not outweigh the loss of an employment use within the Key Employment Area and the subsequent conflict with Policy 9 of the HDPF.
- 6.10 Taking into account the above evidence there is concern that the proposed change of use to a Sui Generis use would result in the loss of a valued employment site within the Key Employment Area suitable for small start-up industrial/commercial businesses, for which there is an acknowledged demand. In the absence of supporting marketing information to demonstrate that the existing use is no longer viable, and that other more appropriate sites have been explored, it is considered that the sequential approach has not been applied in this instance and therefore the proposal is in conflict with Policy 9 of the HDPF.

#### Impact on neighbouring amenity

- 6.11 The site is situated within an established employment area where there are a range of existing industrial and retail uses across the site. To the rear of the site is the 'Strawford Centre', a West Sussex County Council run day care facility for people with learning disabilities. To the rear of the day centre are residential dwellings on Kingslea, around 60 metres from the site itself.
- 6.12 The submitted Planning Statement sets out the proposed opening hours as being 5.30pm to 10.30pm Monday to Thursday, 5pm to 11pm Fridays, and 11am to 9pm on Saturdays. The proposal does not include the provision of any externally fixed plant or machinery outside of the units.
- 6.13 There is some concern in relation to potential noise and disturbance to neighbouring residents contributed to by the late evening opening hours proposed. The nature of the existing uses on the site are active during daytime hours but unlikely to be during the evening hours. The recently approved change of use at unit 3 was conditioned to ensure the tasting and tap area could not be used after 9pm Monday to Friday and 5pm on Saturdays and at no time on Sundays or Public Bank Holidays. If this application were to be approved it is considered that in the interest of the amenity of neighbouring residents, the hours of opening be no later than those stipulated for the nearby unit, whilst the use of outside space in relation to the drinking establishment use could also be restricted by condition.

#### Impact on visual amenity of the area

- 6.14 There would be no external alterations to the existing unit apart from the provision of signage on the existing doors in which no specific details have been provided.
- 6.15 As there are no other external alterations to the units the proposal would have no impact on the visual amenities of the area.

#### Highways and parking impact

- 6.16 Policies 40 and 41 of the Horsham District Planning Framework state that development should provide a safe and adequate access, suitable for all users.
- 6.17 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles
- 6.18 No external changes are proposed and the existing access to the industrial area from the public highway is acceptable. Whilst the Highway Authority have asked for existing and anticipated trip data, in this case given the small size of the public area of the unit (some 26sqm) it is not considered that its use as a drinking establishment will result in a significant uplift in traffic movements such that a highway safety or capacity issue would arise.
- 6.19 The West Sussex Parking standards (September 2020) set out initial guidance on vehicular parking demand by land-use class. This states that Sui Generis drinking establishments should provide one space per five sqm of public area and two spaces per bar. The public area of the unit measures around 26 sqm, and therefore the parking demand is calculated as seven spaces in total.
- 6.20 The planning statement states that the unit has two car parking spaces available within the parking area to the front of the site. Unit 3 within the same occupancy also has two spaces. No further information is provided in relation to additional parking for patrons/ customers. However from the officer site visit it was observed that there is an area of unallocated parking provision to the centre of the site which may be available outside of the opening hours of the other businesses on the wider site.
- 6.21 It is therefore considered that although the allocated parking provision falls short of the West Sussex suggested parking standards, due to the different hours of opening to most of the daytime uses on the site there is likely to be capacity on the wider site to accommodate parking demand. It is considered that on balance, no reason for refusal is substantiated in relation to policy 41 of the HDPF.

#### Water Neutrality

- 6.22 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.
- 6.23 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.
- 6.24 No Water Neutrality Statement has been submitted for this application. The applicants have stated in an email(s) to the case officer that no previous water usage data is available. They have also confirmed that the previous known use was a music studio. The music studio would have been likely to have been open for longer hours than the tap room, but it would have only had a limited number of visitors during that time, compared to the tap room.
- 6.25 It is acknowledged that the applicants have made a conscious effort to reduce their water consumption by installing a low water usage dishwasher, a dual flush toilet and removing the use of the 50 litre kegs that required significant amounts of water for cleaning. However insufficient information has been provided to allow the Local Planning Authority to ascertain

with any certainty whether the change of use will not result in adverse effects on the integrity of the European sites.

#### Other Matters

- 6.26 Representation letters have identified the benefit of the development in helping relieve mental health issues common amongst older men, and other benefits in supporting local businesses and the community. In this case the facility is very small therefore such benefits would be limited. In respect of supporting older persons with mental health issues, it is noted that there are further public houses within a 10-15 minute walk of the application site, with Horsham town centre a 20 minute walk (according to Google maps) or otherwise accessible by public transport. In this regard there are alternative facilities available in the local area to meet the needs of the community in this regard.

#### Conclusions and Planning Balance

- 6.27 The proposal, which is retrospective, would change the use of a Class E/B8 (formerly B1c/B8) industrial unit to a Sui Generis Drinking Establishment within a Key Employment Area. It is considered that the proposed change of use would conflict with Policy 9 of the HDPF as no supporting marketing information has been provided to demonstrate that the permitted use is no longer viable and the sequential approach has not been applied.
- 6.28 Demand for units for uses within the permitted use classes in this location is considered to be high. The occupancy rates within this industrial estate are high, with only one unit out of 23 being vacant on the officer site visit. The landlord has confirmed that interest has been expressed in the unit from alternative occupiers who would fall within an E (formerly B2) or B8 use class. Whilst there would be some positive community benefits from the resulting facility, this is not considered to outweigh the fundamental conflict with Policy 9 of the HDPF. Further, water neutrality has not been demonstrated. The application is therefore recommended for refusal.

## **7. RECOMMENDATIONS**

- 7.1 To refuse planning permission for the following reason:

#### Reason for Refusal:

1. The proposed change of use of the units from B8/E use to a Sui Generis Drinking Establishment would result in the loss of employment floor space within a Key Employment Area in the Horsham District which would conflict with Policy 9 of the Horsham District Planning Framework (2015). No supporting information relating to the viability of the existing use or details of marketing of the unit have been submitted and therefore it is considered that the sequential approach, as set out in the Horsham District Planning Framework, has not been followed in this instance.
2. 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 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

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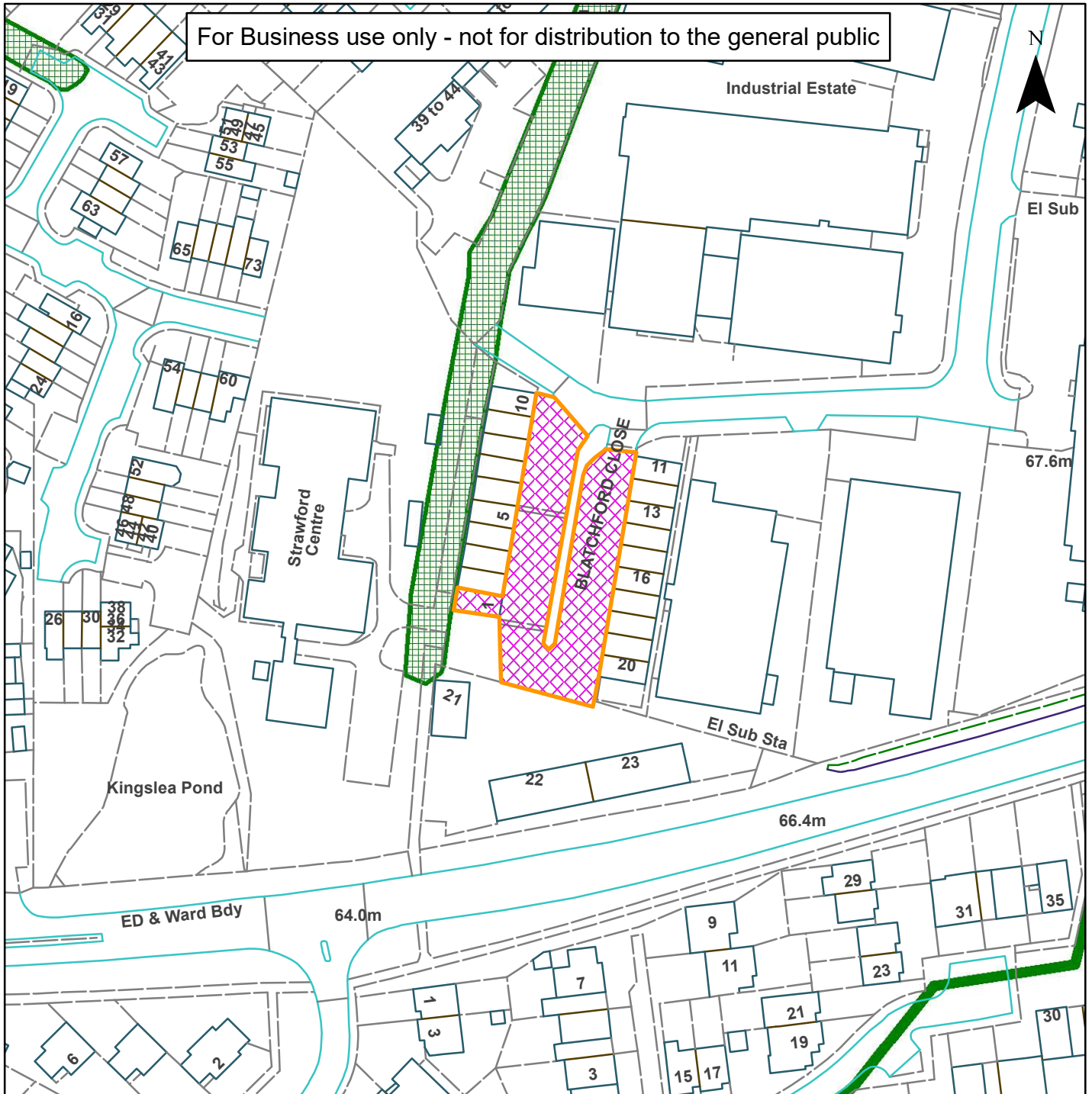
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**Horsham  
District  
Council**

Unit 1, Blatchford Close, Horsham, West Sussex, RH13 5RG

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| Comments     |                          |
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