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Planning Committee (North)

Tuesday, 7th November, 2023 at 5.30 pm
Conference Room, Parkside, Chart Way, Horsham

Councillors:

Peter van der Borgh (Chairman)	Liz Kitchen
Tony Bevis (Vice-Chairman)	Richard Landeryou
Colette Blackburn	Dennis Livingstone
Martin Boffey	Jay Mercer
James Brookes	John Milne
Len Ellis-Brown	Colin Minto
Nigel Emery	Jon Olson
Ruth Fletcher	Sam Raby
Chris Franke	David Skipp
Anthony Frankland	Jonathan Taylor
Nick Grant	Clive Trott
Kasia Greenwood	Mike Wood
Warwick Hellowell	Tricia Youtan
Tony Hogben	
Alex Jeffery	

You are summoned to the meeting to transact the following business

Jane Eaton
Chief Executive

Agenda

- | | Page No. |
|---|----------|
| 1. Apologies for absence | |
| 2. Minutes | 3 - 8 |
| To approve as correct the minutes of the meeting held on Tuesday 3 October 2023
<i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk 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.)</i> | |
| 3. Declarations of Members' Interests | |
| To receive any declarations of interest from Members of the Committee | |

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** 9 - 10

Applications for determination by Committee:

6. **DC/23/0980 Holmbush Farm, Crawley Road, Faygate** 11 - 28

Ward: Colgate and Rusper
Applicant: Mr Piers Calvert

7. **DC/23/0324 13 Nelson Road, Horsham** 29 - 44

Ward: Trafalgar
Applicant: Mrs P Bhuvanandran

8. **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 Item 2

Planning Committee (North) 3 OCTOBER 2023

Present: Councillors: Peter van der Borgh (Chairman), Colette Blackburn, Martin Boffey, Len Ellis-Brown, Nigel Emery, Ruth Fletcher, Chris Franke, Anthony Frankland, Nick Grant, Tony Hogben, Alex Jeffery, Liz Kitchen, Richard Landeryou, Dennis Livingstone, Jay Mercer, John Milne, Colin Minto, Jon Olson, David Skipp, Jonathan Taylor, Mike Wood and Tricia Youtan

Apologies: Councillors: Tony Bevis, James Brookes, Kasia Greenwood, Warwick Hellawell, Sam Raby and Clive Trott

PCN/38 MINUTES

The minutes of the meeting held on 5 September were approved as a correct record and signed by the Chairman.

PCN/39 DECLARATIONS OF MEMBERS' INTERESTS

DC/22/2257 Councillor Martin Boffey declared a personal interest in the item as he is a coach for Horsham Tigers Football Club who had written to the council in support of the application.

DC/22/2257 Councillors John Milne and Jon Olson declared personal interests in the item as they were both Members of Forest Neighbourhood Council but they did not sit on the planning sub committee

DC/23/0354 Councillor Tony Hogben declared a personal and pecuniary interest in the item as he was the applicant. He withdrew from the meeting and did not take part in the discussion or vote.

PCN/40 ANNOUNCEMENTS

There were no announcements.

PCN/41 APPEALS

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

PCN/42 **DC/22/2257 HORSHAM YMCA FOOTBALL CLUB, GORINGS MEAD, HORSHAM**

The Head of Development & Building Control reported that this application sought full planning permission for the conversion of existing grass pitch at the Horsham YMCA Football Club to an Artificial Grass Pitch (AGP) surface with new perimeter paths, fencing, floodlighting and goal storage area.

Since the publication of the report it was noted that The Horsham Blue Print Neighbourhood Forum had submitted a letter largely in support of the proposal.

The application site is located within the Built-up Area Boundary of Horsham, approximately 0.5km from the town centre. The site is occupied by the YMCA Football Club, and is accessed at the southern end of Gorings Mead, a residential no through road off of the A281 Brighton Road.

There are 4 trees subject to Tree Preservation Orders (TPOs) within the grounds of the YMCA Football Club and a T10 classified Veteran Ash tree with TPO located to the southwest boundary corner which would be impacted by the proposed development as it sits below the existing football pitch.

Members noted the planning history of the application.

Forest Neighbourhood Council objected to the proposal.

71 letters of support had been received in connection to the proposal (of which 15 had been submitted from outside Horsham District) and 21 letters objected.

Three speakers spoke in support of the application at the meeting.

Members acknowledged the proposal would provide a number of benefits to the local community by providing another 3G football pitch in the district, increasing usage of the club and enabling access to a number of diverse local groups to benefit from the facility.

Consideration was also given to concerns raised by local residents who felt that there would be a potential increase in traffic to the site however West Sussex County Highways had raised no objections.

Members were concerned that the loss of the healthy T10 Veteran Ash tree would be detrimental to the local area and considered whether the benefits of the proposal would outweigh the loss of the tree.

It was noted however that this decision would be against the overarching NPPF policy where removal of such trees would need to be in "wholly exceptional circumstances" for this proposal to be considered acceptable.

After debate, Members felt that further information was required to make a more informed decision.

Clarity was required on the viability and the future of the club if the 3G pitch was not provided. It was also suggested that further options should be considered regarding the construction of the proposed retaining wall which could have a less detrimental effect on the Veteran Ash tree. Members also felt that consideration should be given to appropriate conditions should the application be approved.

It was therefore proposed and seconded to defer the application.

RESOLVED

That application DC/22/2257 be deferred to consider the viability and future of the club in respect of the provision of the 3G pitch and to consider methods for a less invasive means of providing the proposed retaining wall and to allow consideration and formulation of appropriate conditions should the application be approved.

PCN/43 **DC/21/2172 LAND SOUTH OF EAST STREET, RUSPER**

The Head of Development & Building Control reported that this application sought permission for the erection of 6 three bed dwellings (which would include one retirement property), with associated garages, new access drive and landscaping works. The application was a resubmission of DC/20/2454.

The application site is an area of open grassland/paddock located to the south of East Street, located outside of the defined built up area of Rusper and considered to be located in the countryside.

The Parish Council objected to the proposal and 1 letter of objection had been received.

Members noted the planning history of the application.

Ward Members opposed the proposal and discussed its location outside of the Built Up Area Boundary (BOAB), concern regarding the length of new access drive and lack of consideration given to the Neighbourhood Plan.

The proposal was however considered proportionate in scale, sustainable in its location and development and would be water neutral.

Members were reminded the Council was currently unable to demonstrate a five-year housing land supply and Local Plan so decisions had to be made within the current planning framework.

Members also identified that West Sussex County Council Fire & Rescue had advised the nearest fire hydrant to the proposal was below the recommended distance. It was felt that an additional condition to rectify this should be added if the application was approved.

It was therefore proposed and seconded to add an additional condition to the application relating to the fire hydrant.

RESOLVED

That application DC/21/2172 be approved in accordance with Officer recommendation subject to completion of a Section 106 Legal Agreement and conditions set out in the report with an additional condition relating to the fire hydrant.

PCN/44 **DC/23/0354 MORRISWOOD, OLD HOLBROOK, HORSHAM**

The Head of Development & Building Control reported that this application sought to vary condition 3 of previously approved DC/18/1921 to extend the opening hours of the swimming pool during the week. It was also proposed to allow opening of the swimming pool on Bank Holidays.

The application sought to extend the approved opening hours to 07:00 to 21:00 Monday to Sunday including Bank Holidays.

The site forms part of the residential property known as Morriswood, which is situated on the western side of Old Holbrook Road. It sits amongst sporadic development north of the A264 and the nearby settlement of Horsham.

The Parish Council raised no objection to the proposal and one letter of support and one letter of objection had been received.

Members felt the proposed extended opening hours were considered acceptable and would not result in harm to local neighbours.

RESOLVED

That planning application DC/23/0354 be approved subject to the conditions as reported.

PCN/45 **DC/23/1358 79 TRAFALGAR ROAD, HORSHAM**

The Head of Development & Building Control reported that this application sought permission for the demolition of existing single storey rear extension and the erection of a single storey rear extension with associated alterations.

The site is a semi-detached dwelling with one off-street parking space, located within the built-up area of Horsham.

No representations had been received regarding the application.

Members were supportive of the application.

RESOLVED

That planning application DC/23/1358 be approved subject to the conditions set out in the report.

The meeting closed at 7.23 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee (NORTH)

Date: 7th November 2023



**Horsham
District
Council**

Report on Appeals: 20/09/2023 – 25/10/2023

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
DC/23/0173	Hawthorns, Bar Lane, Southwater, West Sussex, RH13 9DL	20-Oct-23	Application Refused	N/A

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/22/1878	36 Warren Drive, Southwater, Horsham, West Sussex, RH13 9GL	Written Representation	26-Sep-23	Application Refused	Application Refused
DC/22/2125	Tanglewood, Forest Grange, Horsham, West Sussex, RH13 6HX	Written Representation	04-Oct-23	Application Refused	N/A
DC/22/2107	Holmbush Manor Farm, Hayes Lane, Slinfold, West Sussex, RH13 0SL	Written Representation	09-Oct-23	Application Refused	N/A
DC/22/1960	Flagstones, North Heath Lane, Horsham, West Sussex, RH12 5PQ	Written Representation	19-Oct-23	Application Refused	N/A

3. Appeal Decisions

HDC have received notice from the Planning Inspectorate that the following appeals have been determined:

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/21/1946	Pemberley, Copsale Road, Maplehurst, Horsham, West Sussex, RH13 6QY	Written Representation	Appeal Dismissed	Application Refused	Application Refused
DC/21/2481	Land North of Lyons Road, Lyons Road, Slinfold, RH13 0RX	Informal Hearing	Appeal Dismissed	Application Refused	N/A
DC/23/0652	40 Carter Drive, Broadbridge Heath, West Sussex, RH12 3GZ	Fast Track	Appeal Dismissed	Application Refused	N/A
DC/23/0470	7 Palmer Avenue, Broadbridge Heath, West Sussex, RH12 3GQ	Fast Track	Appeal Dismissed	Application Refused	N/A
DC/22/1917	21 Calvert Link, Faygate, West Sussex, RH12 0AF	Fast Track	Appeal Dismissed	Application Refused	N/A
DC/22/1204	Hoes Farm, Cowfold Road (A272), Shipley, RH13 8PF	Written Representation	Appeal Dismissed	Application Refused	N/A
EN/22/0032	Bentons Place, Hooklands Lane, Shipley, Horsham, West Sussex, RH13 8PY	—	Withdrawn	Notice served	N/A



**Horsham
District
Council**

PLANNING REPORT

COMMITTEE

TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 7th November 2023

DEVELOPMENT: Change of use from tea rooms (Class E) to restaurant / cafe with ancillary hot food takeaway (Sui Generis).

SITE: Holmbush Farm, Crawley Road Faygate West Sussex RH12 4SE

WARD: Colgate and Rusper

APPLICATION: DC/23/0980

APPLICANT: **Name:** Mr Piers Calvert **Address:** Holmbush Farm Crawley Road Faygate Horsham West Sussex RH12 4SE

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.

By request of Councillors Kitchen and Hogben.

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 Planning consent is sought for a change of use from tea rooms (Class E) to restaurant / cafe with ancillary hot food takeaway (Sui Generis). In addition, the proposal seeks to increase operating hours to 09:00-23:00 Monday to Sunday (including bank holidays) from the presently allowed 09:00-18:00 Monday to Friday, 09:00-14:00 Saturday and no trading on Sundays and bank holidays. Access to the site would be maintained via existing means from the A264 both east and west bound, including the use of the existing A264 underpass. The existing hardstanding to the east of the site would be utilised for trade and customer parking as per the current arrangement.

DESCRIPTION OF THE SITE

- 1.2 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 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.

- 1.3 The site lies within the Strategic Gap between Horsham and Crawley, and is within the High Weald AONB. 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 provide 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.
- 1.4 There are a number of existing commercial premises on the wider site, located to the north and north-west of the application building, within a range of buildings of various sizes. This includes, but is not limited to: a removal company warehouse to the immediate north of the application site; storage units further north; plant hire, and The Courtyard building to the north-west, which appears to host some 15 commercial uses. In addition to these commercial uses, there are residential properties within the vicinity, namely: 1 and 2 Holmbush Farm Cottages 110m north of the dwelling adjacent to one of the three access points off the A264, and 1 and 2 Holm Farm (within The Courtyard complex) some 80m north-west of the site. There are also two further dwellings at Hopper Farm some 250m east of the site.

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:

- 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 7 - Strategic Policy: Economic Growth
Policy 10 - Rural Economic Development
Policy 11 - Tourism and Cultural Facilities
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 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 43 - Community Facilities, Leisure and Recreation

2.5 Planning Advice Notes:
Facilitating Appropriate Development
Biodiversity and Green Infrastructure

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/22/1976	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.	Application Permitted on 09.03.2023
DC/05/1394	Erection of a building to provide tea room, play area and toilet facilities	Application Permitted on 13.09.2005

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

INTERNAL CONSULTATIONS

3.2 **HDC Environmental Health:** Comment (*summary*)

3.3 An Environmental Health officer (EHO) has visited the site although they did not access the building in question. Previously the café was registered with this department as a food business. To the best of the EHOs knowledge this department have not received any previous complaints regarding noise, odours, etc from this site.

3.4 However, the EHO believes the previous occupiers only operated through day-time hours and note that this application seeks to extend the permitted opening hours to 09.00 to 23.00 every day.

3.5 The Planning Statement refers to the site as a proposed restaurant/bar and ancillary hot food takeaway. It is likely, therefore, that the applicant will also apply for Premises Licence to sell alcohol.

3.6 The EHO notes that there is a residential property close to the Horsham exit, to mitigate any adverse environmental impacts, the applicant will need to exercise suitable controls in the following areas, and the EHO makes recommendations for consideration by the Planning Department:

1. A ventilation flue protrudes through the roof serving the kitchen. There is no information on any controls to ensure that no nuisance, disturbance or loss of amenity is caused to nearby properties by any odours, fumes, food droplets or noise. In order that this department can assess the suitability of the current system we require further information.
2. Noise from any other machinery i.e., air conditioning units or other plant must also be suitably controlled to ensure that it does not exceed background noise levels at the site boundary. No external plant for mechanical ventilation, air conditioning systems, etc. shall be installed without prior consent from the Planning Authority.
3. External lighting is of paramount importance for safety. Consideration must be given to all external light source to prevent 'skyglow' & light trespass given the rural location of the site. No external security lighting or illuminated signage shall be installed without prior consent from the Planning Authority
4. Any live, acoustic, amplified & recorded music activities from within the premises should not be audible inside noise sensitive premises (i.e., the nearest residential

property). This means that basically if the windows of the residential property are open any noise from amplified music, etc. must not be audible. This must consider the periodic opening of doors to allow patrons to enter & exit the premises.

5. No live or amplified music activities to be undertaken in any external areas.
6. No external speakers to be allowed for background music
7. The external seating areas should not be used after 21.00 each evening
8. There should be an effective management system in place to control noise and nuisance ensuring that neighbouring residents are not disturbed. This includes marshalling of car parks to ensure patrons leave the premises in an orderly manner late at night.

OUTSIDE AGENCIES

3.7 **WSSC Highways:** No Objection (*summary*)

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

3.8 **WSSC Flood Risk Management:** Objection No Objection Comment Support

3.9 **High Weald AONB:** Comment (*summary*)

Officers may want to consider that the following requirements are met:

- Controls over any external lighting
- Native, locally sourced planting should be used for additional landscaping to support biodiversity and to avoid contamination by invasive and non-native species

3.10 **Nature Space (Newt Licencing):** No Objection

3.11 **Sussex Police:** Comment (*summary*)

The applicant and their partners are strongly advised to consult directly with Police Licensing at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site.

PUBLIC CONSULTATIONS

3.12 Colgate Parish Council *objects* to the proposal, stating:

- The proposal is not in keeping in an Area of Outstanding Natural Beauty.
- There are insufficient parking spaces in the proposal. The proposed number is the existing 35 spaces. There will be 40 to 50 staff. Even if all the staff are not on site at the same time this leaves little or no parking for customers. This could cause problems for the other businesses already at Holmbush Farm.
- The exit onto the A264 will need to be improved as there will be a significant increase in traffic leaving the site. There should also be improved signage to make A264 users aware of exiting traffic and a reduction in the speed on the dual carriage way to improve road safety.
- Colgate Parish Council would ask for a more comprehensive water neutrality statement to be submitted because the current document gives no indication of how much water will be used or what water saving devices will be installed. The old existing sanitary ware needs to be replaced with water efficient units.
- While we note that there have been a number of letters of support for the application, many of these people do not live in the locality and will not be affected by the longer opening hours and any noise or disruption that may be caused. We hope that Horsham District Council puts little weight on these comments.

- Colgate Parish Council strongly objects to the proposed extended opening hours of 9am to 11pm, 7 days a week. We do not believe that the applicant has been demonstrated that there is a need to open until 11pm.
- Colgate Parish Council requests that if Horsham District Council are mindful to permit the application that the following conditions be put in place:
 - Restricted Opening Hours - more in line with the existing permitted opening hours, that are more suited to a café.
 - A Recycling and Waste Management Plan - A plan should be in place before trading begins. As the proposal includes a takeaway service there could be considerable littering which would be detrimental to the local AONB.
 - An Air Quality, Fumes and Noise Management Plan - A plan should be in place before trading begins. To mitigate fumes/smells from the proposed new restaurant/takeaway. The plan should also take into account the pollution generated by the increased traffic. Outside music /public address system should not be allowed.
 - A Travel Plan – The majority of people will drive to the site so any plan should include details of:
 - (a) charging points for electric vehicles;
 - (b) parking for cycles; and
 - (c) disabled parking spaces.
 - Lighting - Any outside lighting should not be disruptive to the ANOB nature of the site.

3.9 367 letters of representation received (366 received within the consultation period) from 344 separate addresses (121 from **109** separate addresses within Horsham District) supporting the proposal on the following grounds:

- well designed
- great social experience
- well-needed hospitality
- re-use of unneeded building
- No noisier than the A264
- Good community atmosphere
- supporting a local business
- positive economic impacts
- Good for tourism
- Employment increase in area
- Inclusive use
- Supports diversification of the farm
- Good for people's mental health

3.10 1 letter of representation received neither objecting to nor supporting the proposal, which can be summarised as:

- Generally in support, though events every weekend would not be welcomed. Would increase traffic in area

3.11 92 letters of representation received (91 received within the consultation period) from 77 separate addresses (87 from **71** separate addresses within Horsham District) objecting to the proposal on the following grounds:

- Use not in-keeping with the area
- no access for walkers etc
- increase vehicles in the AONB
- unnecessarily late opening hours
- increased noise in area

- increased traffic
- increased pollution
- Impact on property values
- the proposal would undermine local policing efforts to detract anti-social car use
- increased car use would damage road
- Café not needed in this location
- Adverse ecological impacts
- The use would not be water neutral
- concern over retrospective application
- conditions cannot be enforced against
- concerns over alcohol licence

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

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. It is noted that 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 was the establishment of Holmbush Farm World as an 'Open Farm' educational centre following a temporary planning 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. A permanent planning permission for the open farm educational use was granted under ref: DC/04/0146. Officers noted during the assessment of this permission 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. DC/04/0146 also permitted 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 The most recent application on the site (DC/22/1976) sought to remove the restrictive operational condition tying the tea room to the open educational farm, 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. The current proposal now seeks to utilise the building independently from the farm as a restaurant and takeaway use, in addition to an increase in operating hours.
- 6.7 Having regard to the above background, officers are of the view that the site is in a lawful unfettered Class E use. This means the building could be lawfully used as a restaurant/café, retail unit or a light industrial unit without the need for planning permission.

Principle of the Development

- 6.8 Policy 10 (Rural Economic Development) of the HDPF states that sustainable rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. In the countryside, development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle. Any development should be appropriate to the countryside location and must:

Contribute to the diverse and sustainable farming enterprises within the district or, in the case of other countryside-based enterprises and activities, contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside; and either:

- a. Be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate; or*
- b. Result in substantial environmental improvement and reduce the impact on the countryside particularly if there are exceptional cases where new or replacement buildings are involved. New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities and criteria a) has been considered first.*

6.9 In addition, a proposal must demonstrate that car parking requirements can be accommodated satisfactorily within the immediate surrounds of the buildings, or an alternative, logical solution is proposed.

6.10 Policy 26 (Countryside Protection) of the HDPF states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

6.11 In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area.

6.12 The site is located outside of the built-up area boundary and is therefore considered to be located within a countryside location. The proposal would not introduce the creation of any new built development on site, but rather represents a change in the use of an existing barn on the site. Given the extensive history of the site, including the establishment of the former tea room use (Class E), the principle of establishing a non-agricultural use has already been accepted. It is appreciated that the increase operating hours and varied use of the building to include a take-out element may well increase the overall level of activity to and from the site, it is not considered that the overall level of activity in the countryside would increase to a degree that would conflict with Policy 26.

6.13 As above, the proposal seeks to re-use an existing building within the countryside. The extant café and soft play use has ceased to operate on the site since the spring of 2022. Accordingly, the unit has remained vacant. As stated above the site now operates as an unfettered Class E use, which covers a wider range of uses (since the Use Class Order was amended in 2021) which includes the proposed restaurant use. This use was confirmed under the recent application DC/22/1976. The main difference with this current application is that the proposal now incorporates a takeaway use (sui generis) associated with the restaurant. The overall resultant use class for the site would therefore be a mixed restaurant/takeaway use (Sui Generis), rather than Class E. Accordingly the main material alteration is the introduction of a takeaway element to the site, with the associated request for opening hours until 11pm daily.

- 6.14 The increase in operating hours (50 hours as approved to 98 hours as proposed) would not change *how* the site is used, but rather it would increase the timeframe in which the use and its associated impacts can operate. Given this, and that the proposal would utilise an existing building on the site, the principle of the development is accepted under Policy 26 of the HDPF, as the proposal would represent the sustainable development of the rural area.
- 6.15 The submitted application form indicates that the proposed use would include employment opportunities for 25 full-time members of staff and 25 part-time members of staff. As the building is currently vacant (albeit some fit-out has occurred), the proposed use would represent a significant economic benefit in terms of employment in accordance with Policy 10. As per the 2022 application, the site is no longer tied to the agricultural operations of the wider Holmbush Farm- therefore, it cannot be said that the proposed use would 'contribute to the diverse and sustainable farming enterprise'. However, as above, the principle of the alternate use has been established on the site. The proposed use would contribute to the wider rural economy and/or promote recreation in, and the enjoyment of, the countryside, as per Policy 10. In accordance with Policy 10(1)(b), the proposed use would be contained within an existing building. Given the proposed use would support local employment opportunities, countryside-based enterprises and re-use an existing building within a rural location, the principle of the development is supported in accordance with Policy 10 of the HDPF.

Protected Landscape

- 6.16 The site is located wholly within, albeit on the edge of, the High Weald Area of Outstanding Natural Beauty (AONB). Policy 30 of the HDPF (Protected Landscapes) states that these areas will be conserved and enhanced and opportunities for the understanding and enjoyment of their special qualities will be promoted. Development proposals will be supported in or close to protected landscapes where it can be demonstrated that there will be no adverse impacts to the natural beauty and public enjoyment of these landscapes as well as any relevant cross boundary linkages. In addition, (2) proposals should have regard to any management plans for these areas and must demonstrate:
- a) How the key landscape features or components of natural beauty will be conserved and enhanced. This includes maintaining local distinctiveness, sense of place and setting of the protected landscapes, and if necessary providing mitigation or compensation measures.
 - b) How the public enjoyment of these landscapes will be retained.
 - c) How the proposal supports the economy of the protected landscape and will contribute to the social wellbeing of the population who live and work in these areas.
- 6.17 Paragraph 176 of the NPPF states that '*great weight should be given to conserving and enhancing the landscape and scenic beauty in ... Areas of Outstanding Natural Beauty ... The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impact on the designated areas*'.
- 6.18 As above, the proposal would reuse an existing building on the site and would thus not result in any increased built-form over and above the existing arrangement. The key landscape features or components of natural beauty will therefore be conserved. In addition, as no change to the scale of development on an existing built site within the AONB would be altered, the public enjoyment of the landscape would remain unchanged. As the proposed use would increase employment and footfall within the AONB, the proposal is more likely to increase public enjoyment of the AONB in a sustainable way. Furthermore, given in economic benefits of the proposal, the proposal supports the economy of the protected landscape. With the above in mind, the proposal is considered to accord with Policy 30 of the HDPF and Paragraph 176 of the NPPF.

- 6.19 The High Weald AONB advisory unit have suggested conditioned relating to restricted lighting and proposed planting. Given other amenity matters relating to the use (detailed below), Officers are satisfied with the attachment of a condition restricting external lighting to mitigate any impact. With regards to the suggestion of a planting condition: the proposal seeks only to change the use of the building and increase operating hours. The application does not include any physical changes to the exterior of the building(s) in situ, and therefore would not result in landscape harm. As such, a condition for additional planting would not provide for any necessary mitigations.

Amenity Impact

- 6.20 Policy 33(2) of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.21 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 Holmbush Farm Cottages), 174m to the east (Hopper Farm), 410m south (Rose Cottage Farm House), 660m west (Park Cottage), with further new properties at Kilnwood Vale abutting the slipway into the site to the northeast.
- 6.22 A number of concerns have been raised by neighbouring and nearby residents over the likely increase in noise and activities occurring, with particular reference to the noise generated by motorised vehicles. 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 Officers note that the tenants of the building (Fuel) are an automotive-themed café / coffee house, and operate a similar site within the District (Golding Barn Industrial Estate, Small Dole). 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 that the proposed use of this site would encourage or otherwise enable such activities.
- 6.24 As above, the proposed use would not be too dissimilar from the existing lawful Class E use on the site. Therefore, there is no evidence to suggest that the use alone would result in adverse amenity harm. However, the increased operating hours will likely result in amenity impact principally from increased traffic movements, especially as the 2022 permission restricted use of the premises to 09:00 to 18:00 Mondays to Friday, 09:00 to 14:00 on Saturdays and did not trade on Sundays and bank holidays.
- 6.25 In terms of how the rest of the wider site operates, 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.
- 6.26 The proposed hours of use until 11pm daily would thus extend beyond the wider uses present on the site, especially considering no trade appears to take place on Sundays and bank holidays. 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.

- 6.27 However, it is not uncommon nor unexpected for restaurant uses to take place on Sundays and bank holidays. Paragraph 3.12 of the applicant's planning statement states that *'the condition restricting opening hours has subsequently formed a barrier to the prospects of a rural business diversifying and prospering, as it is impossible for any business to operate successfully under the permitted hours – not just Fuel Road House, but any future business that falls under the same use class'*. The statement further cites other examples where operating hours have been allowed beyond those imposed by the condition under the 2022 permission- these examples include The Frog and Nightgown Pub / Tea Room (located some 2.3km west of the site, closing as late as 10:30pm weekdays and 11pm Fri-Sat) and The Dragon Inn (1.5km south, closing 10pm daily). Whilst the proposal seeks permission for additional opening hours to these examples, the cited uses demonstrate that nearby similar uses incorporate hours much more generous than what is currently imposed on this site. However, the increase in hours may result in amenity impact, regardless of the economic benefits.
- 6.28 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. The most affected properties would be 1& 2 Holm Farm and 1 & 2 Holmbush Farm Cottages which sit on two of the three access points into the site. Given their proximity to the busy A264 both pairs of properties currently experience high background noise levels from passing vehicles. Nevertheless, the proposal would potentially increase traffic movements directly outside of each property as vehicles enter and exit the site from/onto the westbound carriageway.
- 6.29 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. Nevertheless, 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 In order to mitigate potential disturbances to / from the nearby residents from increased traffic movements, the applicant has provided a traffic management plan, which indicates that all traffic into and out of the site would be directed via the underpass on the eastbound A264, avoiding both pairs of dwellings within the wider site (1 & 2 Holm Farm and 1 & 2 Holmbush Farm Cottages). A further condition is attached to secure the management of the site seeking details of the management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment, plant or building services) and minimising noise from vehicles, deliveries, collections and servicing. The Council's Environmental Health Officer has also suggested further consideration relating to plant / machinery and ventilation details, in addition to restrictive lighting conditions, to avoid disturbance to neighbour amenity. Officers advise that the traffic management plan and general site management plan will sufficiently operate to minimise impact on the nearby dwellings.
- 6.31 As above, Officers are aware that the increase in operating hours on the site would likely result in some amenity harm. However, in the context of the existing noise from the A264, the above mitigations are considered sufficient offset any potential harm and can be adequately controlled by way of condition. With the above in mind, subject to conditions

(detailed below), the proposed use and increase in operating hours would not result in adverse amenity harm, in accordance with Policy 33(2) of the HDPF.

Highways Impacts

- 6.32 Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments. Chapter 9 of the National Planning Policy Framework sets out that 'development should only be refused on transport grounds if there would be an unacceptable impact on highway safety grounds, or the residual cumulative impacts on the road network would be severe'.
- 6.33 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. 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 use would likely 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.
- 6.34 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.
- 6.35 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.
- 6.36 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.
- 6.37 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.

Water Neutrality

- 6.38 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.

- 6.39 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.
- 6.40 The extant (lawful) use of the site is a tearoom with a soft play element, with restricted operating hours following the grant of DC/22/1976. As the site is not individually metered, there are no precise records of the site's baseline water use. However, the applicant has maintained records of the custom to the site mainly as a result of the re-opening of business after COVID-19 lockdowns were lifted. The submitted strategy indicates a period of 6 months between May and November 2021 has been assessed, with water usage in the tea-room and soft play arising from the following:
- Toilets
 - Urinals
 - Hand washing
 - Food preparation
 - Serving hot drinks, teas and coffees
 - Dish washing daily
 - Towel washing daily
 - Floor cleaning daily
 - Cleaning the soft play daily
 - Window cleaning weekly
 - COVID Sterilization in between every 3hr session and end of day
- 6.41 Appendix 3 of the water neutrality statement details bookings and customer numbers and till receipts, and Appendix 4 details of the hot drinks sales. Appendix 5 combines this data together with the BREEAM calculations within Appendix 1, and produces an overall annual best-estimate of existing water demand of 520,805 litres. Officers consider the data within these appendices to be thorough and sufficient to provide a reliable estimate of existing water demand from the site from within the last three years.
- 6.42 For the proposed use, the applicant has extrapolated sales data from an existing similar use that the applicant operates within the water supply zone in Small Dole. The average weekly sales and covers have been 'scaled up' to increase level of custom expected for the proposed use, combined with the existing BREEAM data (which remains unchanged from the extant use), producing a best-estimate proposed annual water demand of 465,376 litres. Whilst it is accepted that the Small Dole site is more remote in an industrial estate off a less-trafficked road, the applicants methodology based on existing water meter data and customer spend appears sufficiently reliable.
- 6.43 As the proposed water use is estimated to be lower than the extant use, the proposed use of the site would not increase water abstraction over and above the existing arrangement. Therefore, mitigations or offsetting measures are not required to demonstrate that the proposal would be water neutral, thus the development can be 'screened' out from significant effect on the protected sites within the Arun Valley.

Conclusion

- 6.44 The proposal seeks to reuse a currently vacant unit within the wide Holmbush Farm site, changing the extant Class E use to incorporate a takeaway in addition to an increase in operating hours. Given the site's location as part of an established diverse rural site, the proposal would be supported in terms of its location within the countryside, and would result in economic benefit to the wider surrounding area and the District as a whole. Whilst the site is located within the High Weald AONB, the proposed change of use would

conserve the landscape and scenic beauty of the protected area in compliance with paragraph 176 of the NPPF. It is acknowledged that the proposed use and increase in hours would increase activity to and from the site, which will likely result in an increased impact on neighbouring amenity. Further conditions are also suggested (below) to mitigate any potential harm arising from the use. Furthermore, the applicant has demonstrated that the proposed use would not result in an increase abstraction of water over and above the existing arrangement. Officers therefore recommend to the committee that the application accords with the Development Plan- the proposal should therefore be approved subject to the conditioned suggested below.

7. RECOMMENDATIONS

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

1 **A List of the Approved Plans**

2 **Regulatory (Time) Condition:** The development hereby permitted shall be begun 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:** No part of the development hereby permitted shall be occupied until details of the means of ventilation for the extraction and disposal of cooking odours have been submitted to and approved by the Local Planning Authority in writing. These details shall include times of operation of the ventilation system, means to control noise, vibration and odour, and the proposed maintenance programme. Thereafter, the ventilation system shall be installed, operated and maintained in accordance with the approved details.

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

4 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a Noise Management Plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment, plant or building services) and minimising noise from vehicles, deliveries, collections and servicing. The Noise Management Plan shall be implemented and complied with thereafter for the duration of the use/development.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

5 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the Traffic Management Plan (two documents, as received on 20 October 2023) has been fully implemented. The Traffic Management Plan shall be complied with at all times thereafter.

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

6 **Regulatory Condition:** Parking in connection with the use hereby approved shall not take place anywhere on the site except within the area shown in yellow on the approved colour coded location plan (received 21.09.2023).

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

- 7 **Regulatory Condition:** No public address or external 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)

- 8 **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).

- 9 **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).

- 10 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 09:00-23:00 Monday to Sunday (inclusive of bank holidays).

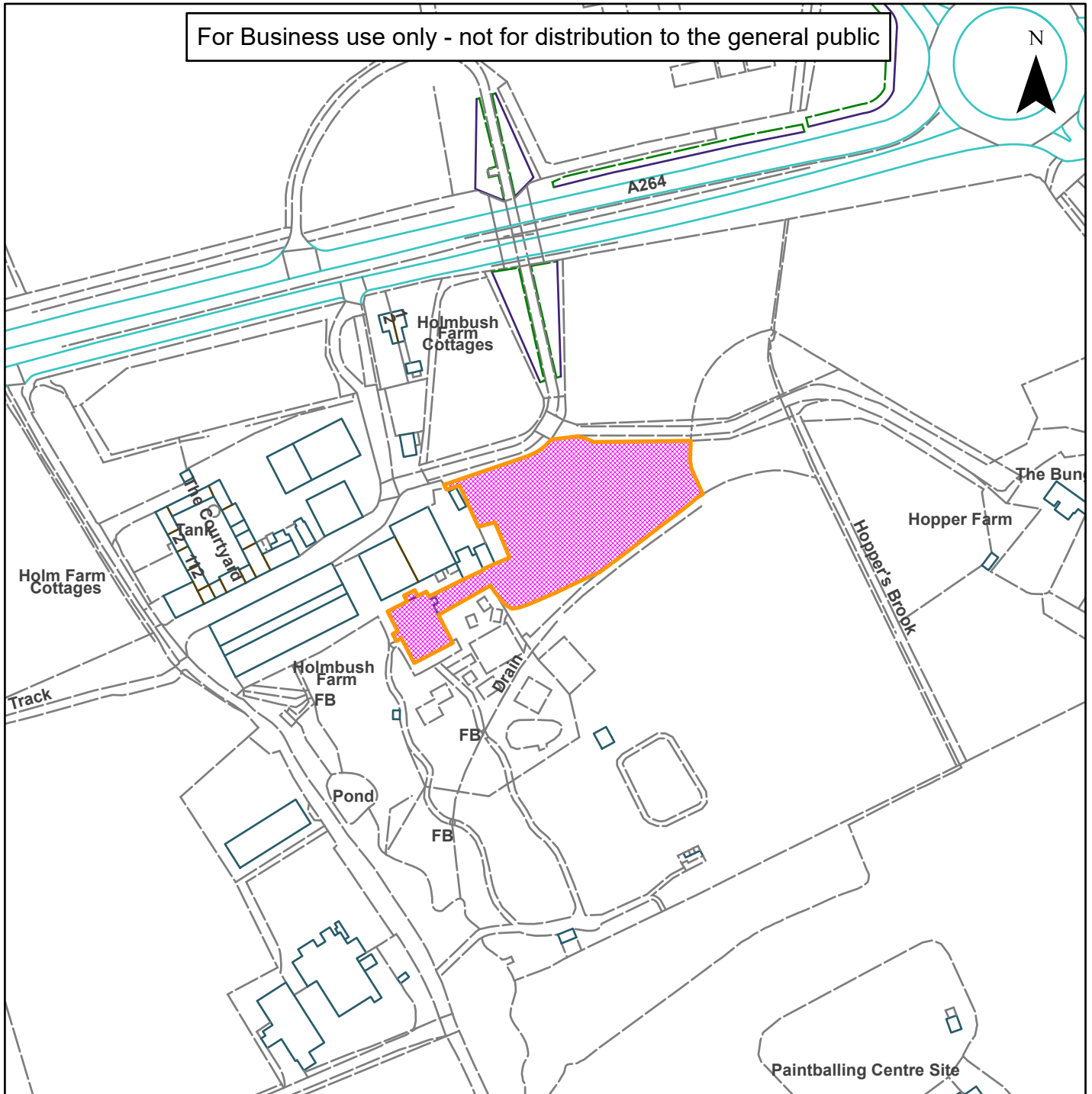
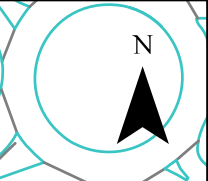
Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

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Holmbush Farm, Crawley Road, Faygate, West Sussex, RH12 4SE

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Scale: 1:2,500

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Organisation	Horsham District Council
Department	
Comments	
Date	26/10/2023
SA 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 November 2023

DEVELOPMENT: Conversion of existing garage into habitable space and removal of fence along part of West boundary (Part-Retrospective).

SITE: 13 Nelson Road Horsham West Sussex RH12 2JE

WARD: Trafalgar

APPLICATION: DC/23/0324

APPLICANT: **Name:** Mrs P Bhuvanandran **Address:** 13 Nelson Road Horsham West Sussex RH12 2JE

REASON FOR INCLUSION ON THE AGENDA: Following deferral at Planning (North) Committee on 01.08.2023 to allow for more information and additional consultation.

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

- 1.1 To consider the additional information submitted to support the application following the deferral at the August Planning Committee South meeting.
- 1.2 The application was deferred to provide time for the Applicant to submit additional visibility splays and vehicle tracking information, as well as time for further consultation with WSCC Highways regarding the likelihood of a vehicle crossover licence being granted.

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 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

RELEVANT NEIGHBOURHOOD PLAN

2.5 **Horsham Blueprint Business Neighbourhood Plan (2019-2036):**

Policy HB3: Character of Development
Policy HB3: Design of Development

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.6 None relevant.

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

OUTSIDE AGENCIES

3.3 **WSCC Highways:** No Objection

Comments received 21.09.2023 following submission of a Highways Report and visibility splays plan:

3.4 The LHA previously provided comment on this application, dated 30/03/2023, 19/05/2023 and 07/09/2023, raising no highway safety concerns.

3.5 The applicant has submitted a Highway Report prepared by GTA Civils & Transport. The report includes swept path diagrams for the proposed access point, with access and egress being demonstrated to the satisfaction of the LHA. In addition, pedestrian visibility splays have been provided either side of the proposed access point, representing an improvement over the previously proposed design.

3.6 As per the LHAs previous comments, a new vehicle crossover would be required to facilitate the proposed access and parking space. These works would be subject to a licence obtained through the local Highway Area Office, and constructed to a specification agreed with the local Highway Area Engineer. An informative note is included at the bottom of this document.

3.7 In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Comments received 07.09.2023:

3.8 The LHA previously provided comment on this application, dated 30/03/2023 and 19/05/2023, raising no highway safety concerns.

3.9 Since the LHAs previous comments, the Highway Area Office have inspected the site and are satisfied that the proposed hardstanding could accommodate a car parking space without overhang onto the maintained highway. We would recommend a VCO licence is issued, as the footpath is not constructed to take vehicles accessing and egressing to the rear of no. 13 Nelson Road. This would tidy the area and denote that a formal entrance has

been installed. An access protection marking may also be required to prevent parking if installed.

- 3.10 The above-mentioned works would be subject to a licence obtained through the local Highway Area Office, and constructed to a specification agreed with the local Highway Area Engineer. An informative note is included at the bottom of this document.
- 3.11 In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

PUBLIC CONSULTATIONS

- 3.12 It is noted that no additional letters of representation have been received since the last Committee meeting in August.

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 was deferred at the August Planning Committee North, with the committee minutes explaining that '*Members also noted public safety concerns due to limited pedestrian access on pavements due to on-street parked cars, the inability to turn a car around within the road and the significant impact the parking constraints were having on local residents. It was noted that some information in the report submitted by West Sussex County Council Highways was factually incorrect and Members required further details on dropped kerbs, vehicle crossover licences, and information on visibility splays and vehicle tracking.*'
- 6.2 The applicants has subsequently submitted further information, in the form of a highways report with visibility splays plans, to address the concerns identified at the August Planning Committee North meeting. The original August committee report is attached as an appendix and addresses all the other material planning considerations relevant to this application.

Impact on Parking Provision

- 6.3 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. The proposed development would be served by a new access point.
- 6.4 Nelson Road is a 'D' classified road which is subject of no parking restrictions. It is recognised that on-street parking takes place on both sides of the road and this is the case for a number of nearby streets within the locality. The properties within the locality rely upon on-street parking, where the area suffers from parking pressure.
- 6.5 Condition 4 of planning approval HU/223/81 sought to retain the integral garage for parking purposes only, where the conversion of the garage has resulted in a loss of this single parking space. It is however noted that this parking space is insufficiently sized to accommodate a modern sized car.
- 6.6 Since the deferral at the August committee meeting, WSCC Highways have confirmed in their response of 7 September that *'the Highway Area Office have inspected the site and are satisfied that the proposed hardstanding could accommodate a car parking space without overhang onto the maintained highway. We would recommend a VCO licence is issued, as the footpath is not constructed to take vehicles accessing and egressing to the rear of no. 13 Nelson Road. This would tidy the area and denote that a formal entrance has been installed. An access protection marking may also be required to prevent parking if installed.'* This confirms that a crossover license would likely be issued.
- 6.7 The applicant has also submitted a Highways Report and plans setting out the required visibility splays. The plans include swept path diagrams for the proposed access point. WSCC Highways have provided comments dated 21 September, advising that *'The report includes swept path diagrams for the proposed access point, with access and egress being demonstrated to the satisfaction of the LHA. In addition, pedestrian visibility splays have been provided either side of the proposed access point, representing an improvement over the previously proposed design.'* This confirms that the pedestrian splays are suitable to avoid risk to pedestrian safety.
- 6.8 WSCC Highways further confirmed that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal. Having had regard to the highway conditions in the area including the volume of on street parking that occurs, officers maintain the opinion set out in the original committee report that the development would not lead to an adverse highway safety impact in the location. The development would therefore accord with Policies 40 and 41 of the HDPF.

7. RECOMMENDATIONS

7.1 To approve the application subject to the following 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 **Regulatory Condition:** The materials and finishes of all new external walls, windows and roofs of the development hereby permitted shall match in type, colour and texture those of the existing building.

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

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TO: Planning Committee
BY: Head of Development and Building Control
DATE: 01 August 2023
DEVELOPMENT: Conversion of existing garage into habitable space and removal of fence along part of West boundary (Part-Retrospective).
SITE: 13 Nelson Road Horsham West Sussex RH12 2JE
WARD: Trafalgar
APPLICATION: DC/23/0324
APPLICANT: **Name:** Mrs P Bhuvanandran **Address:** 13 Nelson Road Horsham West Sussex RH12 2JE

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

- 1.2 The application is for the part-retrospective conversion of the integral garage into habitable space, and the removal of the fence along part of the west boundary. The application is part-retrospective, as the garage was converted in January 2023.

DESCRIPTION OF THE SITE

- 1.3 13 Nelson Road comprises a two-storey end of terrace dwelling located within the north part of Horsham and situated on the corner of Nelson Road and Milton Road. The dwelling is located within the built-up area of Horsham.

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 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

RELEVANT NEIGHBOURHOOD PLAN

2.5 **Horsham Blueprint Business Neighbourhood Plan (2019-2036):**

Policy HB3: Character of Development

Policy HB3: Design of Development

PLANNING HISTORY AND RELEVANT APPLICATIONS

2.6 None relevant.

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

INTERNAL CONSULTATIONS

3.2 **HDC Arboriculture (Initial Response dated 03.05.2023):** Comment

The car parking proposal requires the removal of two small ornamental trees and associated shrubs that are planted in a row, immediately inside the existing close board fence boundary with Milton Road. The vegetation provides a buffer that is currently of positive benefit to both the home owners and the surrounding landscape.

The trees are visible above the fencing providing good public amenity value due to their visual significance within a comparatively harsh, hard urban environment that has no planned space for soft landscaping in the road itself. The loss of the trees will have a negative impact on the visual amenity of the street-scene.

The trees have historically been pruned to maintain a reduced crown form appropriate to the relatively limited space between built form and associated infrastructure that they occupy. Due to their species, size and form they are of domestic scale only with a relatively short, safe useful life expectancy. Regrettably, the trees are not of a species, form or condition that warrants their longer-term statutory protection.

3.3 **HDC Arboriculture (Subsequent Response dated 17.05.2023):** No further comments

OUTSIDE AGENCIES

3.4 **WSCC Highways (Initial Response dated 30.03.2023):** Comment

The site is accessed from Milton Road, an unclassified road subject to speed restriction of 30mph. This application is retrospective, with the works having commenced on 10.01.2023.

The applicant proposes to convert an existing garage to home office. The proposed works are not anticipated to give rise to a material intensification of movements to or from the site.

Replacement parking provision is proposed to the rear of the site, accessed via an existing dropped kerb. From inspection of WSCC mapping, there are no apparent visibility issues with the proposed point of access on to Milton Road. The applicant proposes one car parking space, which from inspection of the plans appears suitably sized

On-site turning does not appear achievable, so a car may have to exit the site in a reverse gear. However, this is not anticipated to lead to an adverse highway safety impact in this location. Nearby property on Milton Road operates similar across arrangements with no known highway safety concerns.

In summary, the Local Highways Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

3.5 **WSCC Highways (Subsequent Response dated 19.05.2023):** Comment

Following an inspection of the amended plans, the changes appear very minor and as such, the Local Highway Authority's previous comments remain valid. The LPA are advised to refer to the LHAs previous consultation response, dated 30/03/2023, for relevant comments.

3.6 **Natural England: (Standing Advice)**

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

3.7 **Trafalgar Neighbourhood Council:** No response received

PUBLIC CONSULTATIONS

3.8 A total of 24 letters of objection were received from 14 separate householders during two separate consultations periods. These representations can be summarised as follows:

- Impact on access and parking on Milton Road
- Loss of roadside parking spaces on Milton Road
- Cause hazards to other vehicle road users and pedestrians
- Unpleasant for the residents whose back gardens border the proposed car space
- Negative impact on the environment with the loss of trees
- Difficult parking arrangement that would be worsened
- Should have retained original garage
- Difficult turning and manoeuvring

- Loss of general amenity and impact on pleasantness and attractiveness
- Insufficient parking and turning space down Milton Lane

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 relates to the conversion of the garage into habitable space and the removal of a fence to the rear of the property to accommodate an off-street parking space. The works to convert the garage were undertaken in January 2023 and the development is therefore part-retrospective.

- 6.2 The application dwelling is subject of condition 4 of planning approval reference HU/223/81 which states the following:

"Notwithstanding the provisions of the Town and Country Planning General Development Orders 1977-81 the garages and car spaces shown on the submitted plan shall be reserved solely for parking purposes and no work shall be undertaken for their conversion to habitable accommodation."

- 6.3 The conversion of the garage to habitable space therefore requires the benefit of planning permission, which this part-retrospective application seeks.

Design and Appearance

- 6.4 Policies 32 and 33 of the Horsham District Planning Framework Policy (HDPF) relates to improving the quality of new development. It states that permission will be granted for developments which ensure the scale, massing, and appearance of the development is of a high standard of design which relates well to the host building and adjoining neighbouring properties.

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

Innovation in design will be supported, however, where this demonstrably enhances the quality of the built form in a character area”.

- 6.6 The existing garage was not a key element of the buildings character or appearance with the proposed materials and proportions of new brickwork, window, and door, designed to integrate and reflect the existing building. It is considered that this approach ensures an appropriate appearance in keeping with the existing building and wider surrounds. The conversion creates habitable space for use as an office. There is evidence of other garage conversions within the immediate surroundings and so the visual impact of the proposal is considered acceptable and would accord with the above policies.
- 6.7 The proposal also seeks to remove a fence panel (approximately 2.8m in length) on the west boundary in order to accommodate access to a proposed off-street parking space. The fence is not considered to be of great visual amenity and so its removal is not considered harmful. It is proposed to erect fencing around the perimeter of the proposed off-street parking space, where this would match the existing.
- 6.8 Overall, the proposed garage conversion is appropriately designed in relation to the main dwellinghouse and surroundings, with evidence of similar conversions within the immediate vicinity. The proposed removal of the fence would not have a harmful impact on the appearance of the street scene. It is therefore considered that the works would not have a detrimental impact on the appearance of the house or wider area. With the above in mind, the proposal is considered to accord with Policies 32 and 33 of the HDPF in terms of its design, layout, and appearance.

Impact on Neighbouring Amenity

- 6.9 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.10 There are a number of examples of garage conversions within the locality, with the conversion to habitable space and the installation of a window and door not considered to result in harm through overlooking, loss of privacy or loss of natural light.
- 6.11 It is recognised that concerns have been raised within the objections to the impact the parking space would have on the neighbouring properties to the rear, specifically regarding noise and disturbance generated by vehicle movements. The proposed arrangement of the site, with the incorporation of parking to the rear, would not be unusual within a residential context, with the associated movements and activity anticipated to be no greater than what would be expected within a residential area. It is not therefore considered that the resulting off-street parking space would result in harm to justify a reason for refusal.
- 6.12 The conversion of the garage, would have little impact on amenity, as there are many examples of similar conversions in Nelson Road. Furthermore, the removal of the fence panel and resulting provision of an off-street parking space would not have a detrimental impact on the amenities of neighbouring properties. The proposal is therefore considered to accord with Policy 33 of the HDPF.

Impact on Parking Provision

- 6.13 Policies 40 and 41 of the Horsham District Planning Framework states that development should provide a safe and adequate access, suitable for all users. The proposed development would be served by a new access point.
- 6.14 Nelson Road is a 'D' classified road which is subject of no parking restrictions. It is recognised that on-street parking takes place on both sides of the road and this is the case

for a number of nearby streets within the locality. The properties within the locality rely upon on-street parking, where the area suffers from parking pressure.

- 6.15 Condition 4 of planning approval HU/223/81 sought to retain the integral garage for parking purposes only, where the conversion of the garage has resulted in a loss of this single parking space. It is however noted that this parking space is insufficiently sized to accommodate a modern sized car.
- 6.15 The proposal seeks to overcome the loss of the parking space through the provision of an off-street parking space to the rear. This would be adequately sized to accommodate a vehicle, where no concerns have been raised by WSCC Highways. While recognised that on-site turning would not be achievable, the Local Highways Authority does not anticipate that this would lead to an adverse highway safety impact. It is noted that nearby properties on Milton Road operate with similar access arrangements with no known highway safety concerns.
- 6.16 It is recognised that a number of objections have been received concerning the loss of on-street parking resulting from the provision of an off-street parking space at the property. Concerns have also been raised regarding potential highway safety impacts and hazards to road users and pedestrians. However, the Local Planning Authority do not consider that the proposal would give rise to a material intensification of movements to or from the site, nor consider that the proposal would adversely impact highway safety. It is not therefore considered that a reason for refusal on highway safety grounds could be substantiated.
- 6.17 The application site benefits from an existing dropped kerb to the rear of the site, with permitted development rights remaining intact for the provision of hardstanding within the curtilage of the dwelling. The creation of the off-road parking space itself does not therefore require planning permission. The provision of the off-street parking space would however offset the loss of the parking space resulting from the conversion of the garage, and the proposed development would not therefore further exacerbate parking pressure within the locality. For these reasons, it is not considered that a refusal on the grounds of loss of parking could be substantiated.
- 6.16 The proposed development is not anticipated to lead to an adverse highway safety impact in the location. The development would therefore accord with Policies 40 and 41 of the HDPF.

Impact on Trees and Landscaping

- 6.17 The HDC Arboriculture Officer noted that the proposal would require the removal of two small ornamental trees which sit close to the boundary fence with Milton Road and have positive benefit to the surrounding landscape. While it is noted that the removal of these trees may have a negative impact on the visual amenities of the street scene, they are of a domestic scale with only a relatively short, safe useful life expectancy and therefore are not of a species, form or condition that would warrant their longer-term statutory protection.
- 6.18 While the loss of these trees is unfortunate, these trees are not protected and could be removed without the need for formal consent. The benefit of providing an off-street parking space considered to result in benefits that would outweigh the loss of the trees. It is therefore considered on balance that the loss of the trees would be acceptable in this circumstance.

Water Neutrality

- 6.19 There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would result in a significant impact on the Arun Valley

SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion

- 6.20 Overall, the conversion of the integral garage and removal of fence panel on west boundary, given the nature of the development and limited impact on the existing dwelling and wider surroundings, is not anticipated to result in a level of harm that is considered unacceptable. The application is therefore considered to be in accordance with Policy 32, 33 and 41 of the Horsham District Planning Framework (2015).

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted subject to appropriate conditions as detailed below.

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 **Regulatory Condition:** The materials and finishes of fencing hereby permitted shall match in type, colour and texture that of the existing fencing.

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

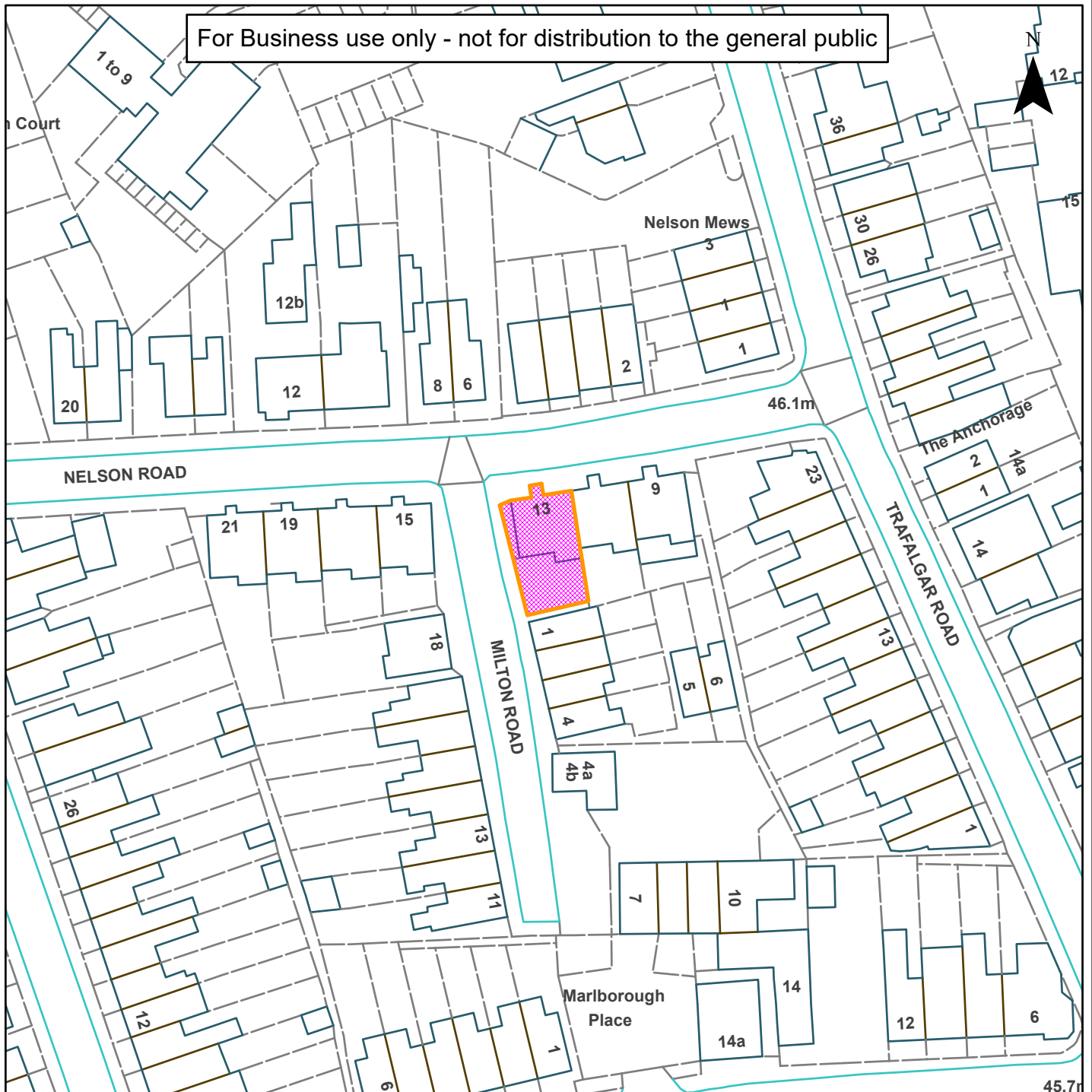
Background Papers:
DC/23/0324

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