



**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 19th September 2023

DEVELOPMENT: Erection of commercial storage building (B8 use class).

SITE: Pear Tree Farm Furners Lane Woodmancote West Sussex BN5 9HX

WARD: Henfield

APPLICATION: DC/23/0639

APPLICANT: **Name:** Mr S Tingey **Address:** Pear Tree Farm Furners Lane
Woodmancote West Sussex BN5 9HX

REASON FOR INCLUSION ON THE AGENDA: By request of Councillors Eastwood and Potts

RECOMMENDATION: To approve full planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks planning permission for the erection of a 'U' shaped commercial storage building to accommodate the tyres currently stored in the open and within shipping containers, on the application site within the wider boundaries of Pear Tree Farm. It is advised the building is required to prevent the tyres from perishing and degrading through exposure to heat and ultraviolet rays (sunshine) and rain, which results in loss of stock through damage.

- 1.3 The commercial storage building comprises a regular symmetrical linear building with projecting wings to the east and west, forming a central courtyard area. The building is approximately 38.34m wide (external elevations) and 16.81m (internal courtyard elevations), with projecting east and west wings of 23.34m (external elevation) and 12.67m (internal courtyard elevation). The height of the building is approximately 5.69m. The floor area of the commercial building is approximately 654 sqm. The walls and the roof of the building would be clad in green composite panels.

DESCRIPTION OF THE SITE

- 1.4 The application site is located on the north side of Furner's Lane and is accessed by a single point of gated entry onto Furness Lane. Pear Tree Farm (2.39ha) lies outside of any defined settlements boundaries and within the countryside. The built-up area boundary of Henfield is located approximately 0.8km to the west. The application site forms a smaller parcel of land to the south of the site within the wider site boundaries.
- 1.5 There is a long access route that splits into two separate tracks within the application site. The original track passes the three new chalet bungalows located on the former site of two green metal profiled barns (now demolished) and an area of hardstanding adjacent to the southern part of the site adjoining Furners Lane, the second track leads north then east towards the 'paddock area' before turning north again and joining the original track that bisects the site into east and west parcels. The southern access leads to a tyre storage area along with related shipping containers (multiples stacked) within the wider site boundaries of Pear Tree Farm.
- 1.6 The wider character of the area surrounding the application is rural in nature and comprises a matrix of fields with field hedge boundaries, interspersed by existing sporadic residential dwellings (approx. 21 address points set along a 1.6km stretch of the private section of the lane to the east of the appeal site), there is also a small group of three recently constructed chalet bungalows approved under DC/21/1379. There are sporadic agricultural buildings in the surrounds of the wider countryside. Beyond the high hedge within the wider Pear Tree Farm site to the north of the application site boundary is a gypsy site, occupied by several mobile homes and touring caravans. It is noted that the site has planning permission for the 3no gypsy and traveller pitches to the north-east of the site, allowed at appeal under planning reference DC/17/1374.
- 1.7 Adjacent to the Ancient Woodland (known as 'Turnhams Gill') designated in 2010 and located to the east of the application site, is the unauthorised 'storage building,' subject to appeals yet to be determined. The property boundary line also delineates the ward and parish boundary line between Henfield to the west and Woodmancote to the east.
- 1.8 There are several Grade II listed buildings surrounding the location of the application site (the nearest of which are 'Holders' located between approx. 223m -250m to the east of the application site). Further beyond is Little Bylsborough also Grade II listed, and a group of three listed buildings including Bylsborough; Barn (The Coach House); and Barn at Bylsborough. The site is separated from the listed buildings by the intervening belt of trees (including the ancient woodland) to the immediate south and east of the site boundaries and as such the listed buildings are considered to be sufficiently separated from the application site with limited intervisibility and are not considered to be affected by the proposal.
- 1.9 A Public Right of Way (footpath 2540) runs east to west at the southern end of the wider site and along Furners Lane, then joining ROW 2536 which runs north to south and across Furners Lane.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 10 - Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 - Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

Henfield Neighbourhood Plan (2021)

Policy 1 - A spatial Policy Plan for the Parish (P1.2 relevant)
Policy 3 - Employment development Sites and Village Centre
Policy 3.1 - Employment Development Site Allocation
Policy 3.2 - Development of New and Existing Employment Uses
Policy 4 - Transport, Access and car Parking
Policy 10 - Green Infrastructure and Biodiversity
Policy 12 - Design Standards for New Development

Planning Advice Notes:

Facilitating Appropriate Development
Biodiversity and Green Infrastructure

RELEVANT PLANNING HISTORY

HF/29/01	Certificate of lawful use relating to the commercial storage of up to 600 used tyres for subsequent distribution Site: Pear Tree Farm Furners Lane Woodmancote	Application Refused on 23.10.2001.
HF/103/02	Certificate of lawful development relating to the commercial storage of up to 600 used tyres for subsequent distribution Site: Pear Tree Farm Furners Lane Woodmancote	Application Permitted on 12.05.2003
DC/07/2006	Change of use of approx. 180 sqm agricultural land to hardstanding for private equestrian use of site (retrospective)	Application Permitted on 24.10.2007

DC/17/1401	Prior approval for Change of Use falling within Class B8 (storage and distribution centre) to dwellings (C3 use class)	Prior Approval Permitted on 31.08.2017
DC/19/0742	Erection of 1 detached and 2 semi-detached single storey dwellings	Application Permitted on 28.02.2020.
DC/20/0895	Application to confirm external tyre storage yard having been in existence for in excess of 10 years (Certificate of Lawful Development - Existing)	Application Permitted on 04.09.2020.
DC/21/1379	Demolition of existing buildings and erection of 3no chalet bungalow style dwellings in the alternative to permission granted under DC/19/0742 and the retention of an internal access track	Application Permitted on 14.09.2021.
DC/21/2687	Application to confirm the continuous use of site for B8 (Storage and Distribution) purposes for a period in excess of ten years (Lawful Development Certificate - Existing)	Application Refused on 26.01.2022
DC/22/0313	Retrospective application for the erection of a commercial storage building (Class B8 Use).	Application Refused On 29.09.2022 (Subject to Appeal)

An Enforcement investigation (EN/12/0178 July 2012) confirmed a large number of tyres stored externally within the hardstanding areas. A subsequent legal opinion obtained in connection with this investigation confirmed that this may not represent a breach of planning control, given the lawful use previously confirmed, unless the level of storage were sufficient to amount to a material change of use on an individual basis.

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 Tree Officer:** No Objection (subject to conditions)
- 3.3 **HDC Environmental Health:** No Objection (subject to conditions)
- 3.4 **HDC Landscape Officer:** No Objections (subject to conditions)

OUTSIDE AGENCIES

- 3.5 **WSCC Highways:** No Objection (subject to conditions)
- 3.6 **WSCC Fire and Rescue:** No Objections (subject to conditions)
- 3.7 **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.

PUBLIC CONSULTATIONS

3.8 9 neighbour letters have been received on the following grounds.

5 letters support on following reasons:

- Visual Improvement
- Existing tyres stored outside building would improve environment.

3 letters objection on following grounds:

- Highway and Pedestrian safety
- Not essential to countryside or to agriculture / forestry
- Lack of substantial environmental improvement to justify sustainable rural development.
- Building highly visible and does not protect the landscape.
- Visible from public footpath
- Concerns that existing tyres will continue to be stored out in the open
- Existing operating hours are often ignored.
- Noise generated from HGV's to and from the site.
- Concerns regarding future plans for site

3.9 **Parish Council:** Object

The committee deems that this application is contrary to HDPF as:

- It is not a strategic site in the Local Plan.
- It is not a nominated site in the Neighbourhood Plan.
- It is not within an existing built-up area.
- The site is not allocated in the Local Plan or Neighbourhood Plan and does not adjoin an existing settlement edge.
- It is not a proposal for park homes or caravans to meet a local housing need.
- The site is not a strategic allocated Gipsy and Traveller site.
- The site is not an existing Gipsy or Traveller site: there is no objectively assessed need; nor is it an extension to an existing site.
- It does not protect, conserve or enhance the landscape or townscape character of the district.
- The site lies outside built-up area boundaries and does not support the needs of agriculture or forestry; does not enable the extraction of minerals or disposal of waste; or provide for quiet informal recreational use or enable the sustainable development of a rural area.
- The site does not complement the distinctive characters and heritage of the area.
- There is loss of amenity to the neighbouring property; or the design is not sensitive to surrounding buildings, as the proposal is out of keeping and unsympathetic with the built surroundings and in that it does not respect the character of the surrounding area.
- There is no assessment of the likely infrastructure requirement or its provision.

- The proposals do not maintain or improve the existing transport system; and there is no sustainable transport to the site.
- It was noted that the application for development appeared to be justified on the basis of 'the lesser of two evils' i.e., storage of tyres etc in the open air versus an enormous shed that was inappropriate in a rural location.

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 application site benefits from an existing Certificate of Lawfulness for purposes of tyre storage, granted under the provisions of s191 of the Town and Country Planning Act 1990.
- 6.2 The original certificate of lawfulness relating to the application site was granted under planning ref: HF/103/02, in connection with the lawful use of one of the metal profiled barns at the southern end of the site (now demolished) for purposes of tyre storage, trade and distribution together with ancillary parking, turning, loading and unloading facilities on the ancillary gravelled hardstanding to the north and east of the shed. The certificate confirmed that no external tyre storage should take place beyond the built fabric of the shed.
- 6.3 After the grant of the Lawful Development Certificate as above, the tyre yard expanded eastwards, utilising two metal profiled sheds on the eastern boundary of the wider site (since demolished and replaced by multiple shipping containers). From the evidence provided at that time and from the Councils interrogation of available photographic evidence and mapping systems, it was evident that there was no separation between the sheds and external tyre storage areas. Photographs showed that there was however an increase in the number of tyres stored externally over time, and that the storage activities appeared to be undertaken in connection with a single business and operated as an integral element of the storage, trade and distribution activities operated from the site. The Council held no evidence to suggest that the increase in external storage had resulted in the creation of an independent planning unit.
- 6.4 Given the passage of time relating to the unauthorised tyre storage uses that had taken place beyond that previously evidenced (as previously granted under the original Certificate of Lawfulness) and on the basis that no enforcement action could be taken in respect of the

asserted use (S.191(2)(a)) by virtue of time limits set at S.171B of the TCPA 1990, a further Certificate of Lawfulness was subsequently granted under DC/20/0895.

- 6.5 The site therefore benefits from an established and authorised use for the purposes of tyre storage and distribution as set out above. The application currently under consideration seeks the erection of a purpose built commercial storage building for B8 storage and distribution purposes to facilitate the indoor storage and related distribution of the tyres currently stored on the application site.
- 6.6 It is important to note that the original two steel clad commercial buildings used for purposes of storage were demolished following the applications to firstly convert them to residential use under the provisions of a Prior Approval application (planning ref: DC/17/1401) and then having established the principle of residential use of the buildings on site, the grant of a further application for three dwellings on site under planning ref: DC/19/0742 (now built).
- 6.7 Notwithstanding this, the use of the land for the outside storage of tyres remained as this was previously allowed under the provisions of the second Certificate of Lawfulness approved under DC/20/0895 in September 2020.

Principle

- 6.8 Paragraph 2 of the National Planning Policy Framework (NPPF) states that the starting point for decision making should be the development plan and that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of planning applications.
- 6.9 The site is not identified as a designated employment site within the HDPF or the Neighbourhood Plan. The site lies in a rural area, which remains protected from inappropriate development under HDPF policies 2 and 26.
- 6.10 HDPF Policy 2 of the Horsham District Planning Framework (2015) (HDPF) seeks to maintain the district's rural character whilst ensuring that the needs of the community are met through, amongst other things, focusing development in and around Horsham and bringing forward strategic development areas.
- 6.11 HDPF Policy 26 requires development in rural areas to be essential to the countryside location, and meet one of the following criteria:
- 1) Support agricultural or forestry needs
 - 2) Enable mineral extraction or waste disposal
 - 3) Provide for quiet informal recreational use
 - 4) Enable sustainable development of rural areas
- 6.12 In addition, any acceptable development must be of an appropriate scale to its rural location, and must not lead, individually or cumulatively, to a significant increase in overall levels of activity in the countryside, as well as protecting and/or conserving, and / or enhancing the key features and characteristics of the landscape character in which the site lies.
- 6.13 HDPF Policy 25 of the HDPF states that the natural environment and landscape character of the district, including the landscape, landform and development pattern, will be protected against inappropriate development.
- 6.14 National planning policy guidance for development in the countryside is set out in the revised National Planning Policy Framework (NPPF - 2023). Section 6 is concerned with 'Building a strong, competitive economy.' Paragraph 81 states that "*planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt...*"

- 6.15 Paragraph 84 'Supporting a prosperous rural economy' states that:
"Planning policies and decisions should enable:
a) *The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
b) *The development and diversification of agricultural and other land-based businesses;*
c) *Sustainable rural tourism and leisure developments which respect the character of the countryside; and*
d) *The retention and development of accessible local services and community facilities, such as local shops, meeting places, sport venues, open space, cultural buildings, public houses and places of worship"*
- 6.16 Paragraph 84 of the NPPF also recognises that in some instances, sites beyond the BUAB may need to be found to meet local business and community needs in rural areas, further acknowledging that these may be situated in unsustainable locations where there are limited or no public transport links. However, consideration needs to be given to the sensitivities of rural areas, and to ensure that any development does not have an unacceptable impact on local roads.
- 6.17 HDPF Policy 10 (Rural Economic Development) of the HDPF supports sustainable rural economic development and enterprise within the district which maintain the quality and character of the area, whilst sustaining its varied and productive social and economic activity and contributing to the wider rural economy. This policy 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:
1. *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.*
 2. *Demonstrate that car parking requirements can be accommodated satisfactorily within the immediate surrounds of the buildings, or an alternative, logical solution is proposed.'*
- 6.18 The supporting paragraph states that *'proposals for the conversion of rural buildings to business and commercial uses will be considered favourably over residential in the first instance'*.
- 6.19 Notwithstanding the above, it is considered that there are material considerations that may influence the acceptability of the proposed development in the planning balance. In order for the scheme to be considered acceptable, material considerations must demonstrate that any benefit provided by the scheme outweighs the resulting harm to the countryside. This judgement will be made with consideration to the individual merits of the scheme as proposed.

- 6.20 In this specific case, the strategy for rural economic development reinforces the government's commitment to encouraging sustainable rural business whilst maintaining the quality and special character of the countryside as set out in Paragraph 81 and 84 of the National Planning Policy Framework. Generally, the provision of a B8 storage building within the countryside would conflict with established countryside protection policies within the adopted local plan and as such would be recommended for refusal. Notwithstanding this, the circumstances of this case are considered such that in this particular case the proposals would result in a notable environmental improvement in accordance with Policy 10 (b). This is because the site as existing is visually unattractive, with the tyre storage area appearing incongruous and harmful to the landscape character in this countryside location.
- 6.21 The site is also considered to be a brownfield site given it is being used for tyre storage purposes. As such, this must be considered to be a material consideration in the determination of the current proposals.
- 6.22 Overall, given the continued storage of tyres on open land and within shipping containers within the application site boundaries, it is considered that substantial environmental improvements would result from the containment of the tyres within the proposed new purpose-built building which would result in a tidier site removing the incongruous presence of the visually intrusive external tyre storage and shipping containers in this countryside location.
- 6.23 As such, in these circumstances, it is considered that the resulting environmental improvements justifies the new purpose built B8 storage building and that the proposals therefore accord with HDPF Policy 10b, subject to conditions to restrict the use of the building to tyre storage purposes only, and a suitable s106 agreement to ensure that no external storage of tyres or other related paraphernalia takes place on the open land outside the envelope of the new building.

Henfield Neighbourhood Plan

- 6.24 The 'made' Henfield NP (HNP) includes a policy relating to new and existing employment uses (Policy 3.2). Support is available for new employment uses or intensification of existing employment uses, outside of the BUAB, provided they are contained within the curtilage of an existing employment site, the traffic generated by the proposal would have acceptable access to the A281, the proposal provides acceptable parking standards and the overall design, materials and massing and site position can minimise the resulting visual impact on the street-scene and local amenity and provision and maintenance of effective screening by trees or woodland planting along the site boundaries.
- 6.25 The application site is not an identified site for development within the Neighbourhood Plan and neither is it an allocated site within the HDPF. The site is however an existing brownfield site with an existing employment use.
- 6.27 Policy 3.2 'Development of New and Existing Employment Uses' states that proposals for new employment uses or to extend or intensify existing employment uses not covered by Policy 3.1 will be supported, provided:
- a. *they are within the built-up area boundary of Henfield or where they are outside the built-up area, they can be accommodated within the curtilage of an existing employment site;*
 - b. *it can be demonstrated that the traffic generated by the proposal will have acceptable access to the principal Henfield road network the A281 and/or A2037;*
 - c. *the proposal layout meets the relevant development plan car parking standards; and*
 - d. *the design, materials colour, massing, position within the site and landscape scheme is able to minimise any visual impacts on the street scene, local amenity and on any adjoining countryside by the provision and maintenance of effective screening by trees or woodland*

planting along the boundaries of the site and is in accordance with the Henfield Parish Design Statement.

- 6.28 The application is considered to comply with HNP Policy 3.2 in that the application site, although outside of the BUAB of Henfield and within the countryside, is already in use as an employment site by virtue of the existing tyre storage use.

Design and Appearance

- 6.29 Policies 32 and 33 of the HDPF promote development that is of a high-quality design, which is based upon a clear understanding of the local, physical, social, economic, environmental, and policy context. Development will be expected to provide an attractive, functional, and accessible environment that complements locally distinctive characters and heritage of the district. Development should ensure that the scale, massing, and appearance of the development relates sympathetically with the built surroundings, landscape, open spaces, and routes within and adjoining the site.
- 6.30 Policy 12 of the Henfield Neighbourhood Plan supports new development where its scale, nature and location meet relevant requirements in the Henfield Parish Design Statement, and in addition complies with criteria a-d of Policy 12.1 which seeks to secure design that respects the amenities of occupiers/ users of nearby property and land; achieves satisfactory access; is appropriate in terms of its scale, density, massing, height and landscape design as well as layout and materials.
- 6.31 The proposed materials comprise dark green metal profile cladding under a dark green metal profile roof interspersed with clear roofing sheets. Dimensions of the building are approximately 38.34m (external width of elevations) and 16.81m (internal width of courtyard elevations), with projecting east and west wings of 23.34m (external length elevation) and 12.67m (internal length of courtyard elevation). The building is approximately 5.69m to ridge height. The floor area of the commercial building is approximately 654 sqm. The proposed storage building is considered appropriate in terms of its size and scale and its presence would result in an environmental improvement on this part of the Pear Tree Farm site as compared to the current arrangement which involves the open storage of tyres on the application site.
- 6.32 The proposed building is considered to accord with Policies 32 and 33 of the HDPF and Policy 12 of the HNP.

Listed Buildings

- 6.33 Policy 34 of the HDPF sets out the Council recognises that heritage assets are an irreplaceable resource, and as such the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets. There is a listed building known as 'Holders' to the south of the application site, located on the south side of Furners Lane. There is another known as 'Little Bylsborough' and Bylsborough; Barn (The Coach House); Barn at Bylsborough also located to the east of the site and well separated from the application site by ancient woodland. The significance and setting of the listed building to the south and east is not considered to be affected by the application proposals given separation and inter-visibility between them and the application site as such the application proposals are not considered as contrary to Policy 34 of the HDPF.

Impact on amenity

- 6.34 The application site and proposed storage building is sited on raised ground levels, approx. 2-3m above 'Furners Lane,' which cuts through and nestles between raised banks on both sides of the public highway. The northern bank of the public highway, adjacent to the southern site boundary, is lined by a belt of trees, as such, the rear of the proposed storage

building would be relatively well screened as the existing trees would serve to reduce the visual impacts of the main bulk of the proposed building and its visual prominence within the street scene and the wider surrounds of the countryside.

- 6.35 The application site would be more visible when approaching the site along Furners Lane and travelling west to east, as there is less tree screening adjacent to the rear of the new residential dwellings recently built on the wider Pear Tree Farm site, which sit adjacent to this section of the public highway. Notwithstanding this, the western elevation and bulk of the proposed storage building would be relatively well screened by the new residential dwellings themselves and the applicants have agreed to provide additional tree and hedge screening (as shown on the site location plan) to reduce the visual impacts of the building.
- 6.36 When approaching from the east to west along Furners Lane, the sites raised position, along with the intervening belt of trees would, provide a fair degree of screening to the bulk of the proposed building. With more discernible glimpses above the ridge height of the three new residential dwellings, particularly in autumn and winter months given the deciduous nature of the tree.
- 6.37 The scale of the development as a whole (arising the three-dimensional mass, taking into account the proposed height, depth and footprint) would result in a change to the visual amenities of the wider site and countryside location. Notwithstanding this, the proposed storage building, which has a maximum ridge height of 5.69m, has been designed to include a shallow pitched roof would help to reduce its visual prominence and is considered as representing an environmental improvement as set out above.
- 6.38 In terms of the impact on nearby residential amenities the proposed storage building is located approximately 5.69m to the west of the nearest residential dwelling, which forms one of the three new residential properties on the wider Pear Tree Farm site. The proposed building is separated by a 2m fence (which is located appropriately 3.23m from the western elevation of the proposed storage building and 2.37m from the nearest dwelling). Given the existing relationship and distance between the three new dwellings immediately to the west of the proposed storage building on the wider Pear Tree Farm site, and the existing open land tyre storage activities which currently take place, the separation distance and relationship between residential and commercial activities is considered acceptable in this case.
- 6.39 Other residential properties within the wider area and outside the boundaries of Pear Tree Farm include Turnhams Gill (134m northwest); Fenlea 129m northeast); and Holders 219m southeast (Grade II listed). These dwellings are considered to be sufficiently separated from the application site. Although these are some distance away, given the nature of the use of the site which includes B8 use, it is considered appropriate to impose appropriate conditions regarding possible land contamination; hours of working; hours or opening; construction environmental management plan details amongst others, to mitigate against the potential harm which might otherwise arise as part of the development proposals.
- 6.40 Subject to the imposition of conditions the development proposal is considered to accord with Policies 32 and 33 of the HDPF.

Landscape

- 6.41 Policy 25 of the HDPF states that the Natural Environment and landscape character of the district, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development.
- 6.42 The Landscape and Character Assessment identifies the sites as falling within Landscape Character Assessment Area D2 (Henfield and Small Dole Farmlands).

- 6.43 The overall character of the area is defined as undulating landscape of low ridges, narrow valleys with small streams; steep visually prominent Lower Greensand ridge at Henfield; with long views to and from the ridges; small to large size regular and irregular fields with a variable hedgerow pattern; small historic commons and orchards are distinctive features in the north of the area; small spring line settlements near the foot or the scarp; Elsewhere isolated farmsteads and loose knit groups of cottages strung out along roads and lanes in the rest of the character area; Local mix of building materials, including flint, brick and sandstone.
- 6.44 The Council's Landscape Architect has been consulted and has confirmed that following the submission of a revised plan by the applicants that demonstrates the building has been moved 5m south away from the existing trees along Furners Lane (as requested by the Councils Tree Officer) that *'the proposals are not considered to result in any negative effect on the landscape and amenity of the area'*. Furthermore, the Councils Landscape Architect has confirmed that *'given the sites existing permitted use for external tyre storage and shipping containers, the proposals are likely to improve the sites appearance and therefore no concerns are raised with the principle of development from a landscape point of view'*.
- 6.45 The Council's Landscape Architect has queried the extent of the application site red lined boundary, however the applicants at your officers request amended the original red line site boundary to include this area, as this represents the extent of the existing open land external tyre storage area which will, should planning permission be granted, be controlled through the s106 agreement to prevent any external open storage of land within the red line boundary as shown.
- 6.46 The proposals, subject to an appropriate landscape conditions requiring further details or hard and soft landscaping is therefore considered to accord with Policy 25 of the HDPF.

Trees

- 6.47 Policy 31 of the HDPF requires development to maintain or enhance the existing network of green infrastructure and states that proposals which would result in the loss of existing green infrastructure will be resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss and ensures that the ecosystem services of the area are retained.
- 6.48 The proposed storage building is located close to an undesignated belt of trees adjacent to the southern boundary of the application site. The Councils Tree Officer has been consulted and raised initial concerns regarding the proximity of the proposed building to the trees and advised that the building should be re sited 5m to the north of the existing southern site boundary and existing trees to avoid conflict with Policy 31 of the HDPF. The applicants submitted a revised plan to show the relocated storage building to address the Council's Tree Officers original concerns and following re-consultation it has been confirmed that subject to a condition to protect the key rooting area of the off-site trees on Furners Lane from the development process, that the relationship between the proposed building and the belt of trees is considered to be acceptable and compliant with Policy 31 of the HDPF 2015.

Highways Access and Parking

- 6.49 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. Policy 15 'Parking Provision' of the BGINP states that development shall include provision of off-road parking for residents of, and visitors to, the development in compliance with West Sussex County Council requirements.
- 6.50 No Trip Rate Information Computer System (TRICS) or Travel Plan has been provided by the applicant given the scale and existing use of the application site which are not considered

to require this level of detail. There are no alterations proposed to the existing vehicular access from Furners Lane.

- 6.51 WSCC Highways have been consulted and they have advised that with consideration to the existing use of the site and to the proposed use of the storage building, given that there are no known capacity and congestion issues in the sites location, they are satisfied that the proposals would not result in a severe residual highway impact.
- 6.52 WSCC Highways have confirmed that sightlines along Furners Lane from the existing access are acceptable and that there have been no recorded accidents within the past 3 years or evidence to suggest that the access and local highways network is not working safely. WSCC Highways have also confirmed that as parking for the application site is as existing it is considered to be broadly acceptable, WSCC Highways have raised no highway safety concerns in relation to the existing sites use or any unauthorised on street parking on Furners Lane, however should planning permission be granted, further details relating to car parking provision are to be secured through imposition of a suitable condition. On this basis, the proposal is therefore considered to accord with Policies 40 and 41 of the HDPF 2015.

Ecology

- 6.53 Policy 25 of the HDPF aims to conserve the natural landscape and biodiversity and aiming to enhance biodiversity where possible. Policy 31 of the HDPF states that development will be supported where it demonstrates that it maintains or enhances the existing network of green infrastructure. Policy 31(2) states that development proposals will be required to contribute to the enhancement of existing biodiversity and should create and manage new habitats where appropriate.
- 6.54 The applicants have not submitted a Preliminary Ecological Assessment with the application. The site is currently hard standing and covered with significant areas of stacked tyres and shipping containers with limited potential to support protected species due to the lack of suitable habitat within the confines of the application site. There are no ecological designations contained within the application site.
- 6.55 No biodiversity metric has been submitted as promoted by the recently endorsed Planning Advice Note on Biodiversity and Green Infrastructure, nevertheless the information submitted demonstrates ecological enhancements as required by local and national policy.
- 6.56 The applicants have agreed to the provision of additional 8 trees and a new 43m mixed native species hedge (as shown on the site location plan), as well as to providing 1 high level bird box and 2 high bat boxes on the northern gable ends. These measures along with the environmental improvements resulting from the replacement of the shipping containers and open storage or tyres is considered to result in significant improvements to the application site.
- 6.57 Subject to the imposition of conditions to secure the proposed mitigation and enhancement measures proposed the proposals are considered to comply with Polies 25 and 31 (2) of the HDPF 2015.

Water Neutrality

- 6.58 The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.
- 6.59 An advice note from Natural England (September 2021) 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.

- 6.60 In support of the submitted water-neutrality statement the applicant has provided a Water Neutrality Statement. The statement confirms that the proposed building is a low level (B8) storage building, which benefits from a Lawful Development Certificate for storage of '600 tyres' (HF/103-02 and a subsequent area of unlimited tyre storage (DC/20/0895). The statement confirms that the existing buildings (shipping containers) and site have no water usage, and that the proposed building will not have any dedicated water supply and that the building would not have any kitchens, bathrooms toilets or sinks and that there would be no other water generating facilities provided including outdoor taps or hose connections.
- 6.61 The applicants advise that there would be no onsite employment (other than existing) and that the building will be for storage only and would not result in any water demand. In this basis the application has been considered and screened out for Water Neutrality purposes.
- 6.62 Given the nature of the proposals for B8 storage use, and based on the information within the Water Neutrality Statement there is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive use of the site 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.

Climate Change:

- 6.63 Policies 35, 36 and 37 require that development mitigates to the impacts of climate change through measures including improved energy efficiency, reducing flood risk, reducing water consumption, improving biodiversity and promoting sustainable transport modes. These policies reflect the requirements of Chapter 14 of the NPPF that local plans and decisions seek to reduce the impact of development on climate change. The proposed development includes the following measures to build resilience to climate change and reduce carbon emissions:
- Opportunities for biodiversity gain (43m hedge and 8 new trees)
 - Biodiversity Enhancement

Subject to these conditions the application will suitably reduce the impact of the development on climate change in accordance with local and national policy.

Fire and Recue

- 6.64 WSCC Fire and Rescue Service has been consulted, they have advised that the nearest fire hydrant to the application site is located 155m away which exceeds the 90m limit required for commercial premises.
- 6.65 Following a discussion between the WSCC Fire and Rescue Service and the applicants it is advised that the applicants have agreed that a new fire hydrant will be provided within 90m of the new build storage building ready for use prior to the use / occupation of the storage building. This would then satisfy the requirements identified in Approved Document B Volume 2 B5 section 16 and provide the supply of water for firefighting.

Previous Decisions

- 6.66 The material considerations and site circumstances relating to the application currently under consideration (DC/23/0639) for storage of tyres within a new building to the south of the wider Pear Tree Farm site differs from the material considerations and site circumstances and application for B8 storage on the site to the northwest of Pear Tree Farm, which was refused. This is because an application for an LDC seeking to demonstrate established use for tyre storage of both the southern and northwest parts of the site was sought and refused under DC/21/2687, (the application related to the southern part that already benefitted from an existing LDC as well as the northwest part that did not). It could not be demonstrated that the northwest part of the site had established use rights through the passage of time, and as such DC/21/2687 was subsequently refused.
- 6.67 The current application differs from the application sought for B8 storage building under DC/22/0313 that was also refused planning permission (and is now subject to an appeal) primarily because it was contrary to policies 26 and 10 and there was not a viable fall-back position (i.e., there was not an existing LDC on the northwest part of the Pear Tree Farm site). Therefore, there were no material considerations that would have led to any other decision other than to refuse the application for B8 storage considered under DC/22/0313. The individual circumstances of the two application sites within Pear Tree Farm are therefore considered to be materially different, and it is considered that there is sufficient justification in this instance for a new storage building on the southern site by virtue of the long-standing Lawful Development Certificate pertaining to the existing use of site for storage of tyres and as supported by Policy 10 of the HDPF.

Conclusions and Planning Balance

- 6.68 The proposals for a new B8 storage and distribution building by virtue of the location of the application site within the countryside, on an unallocated site, in general terms is considered contrary to adopted countryside protection policies within the adopted local development framework. However, in this instance there are material considerations which indicate otherwise. Due to the history relating to the land use for the storage of tyres, established by virtue of an existing Lawful Development Certificate, it is considered that the proposals would result in environmental improvements to the area within the wider countryside in accordance with Policy 10(b) of the HDPF, thus reducing the visual impact and resulting harm arising from the presence of the existing tyre storage facilities (on open land and within shipping containers). The proposals would support the sustainable economic growth towards balanced living and working communities on this existing brownfield site and on balance accords Policy 10 of the HDPF and HNP Policy P3.2.1, in that the application site although outside of the BUAB of Henfield and within the countryside, is already in use as an employment site by virtue of the existing tyre storage use and Lawful Development Certificate relating to the land which is a material consideration in the determination of this application.
- 6.71 Within the context of the application site and material considerations taken into consideration in the determination of this application, the proposed tyre storage building is considered to be acceptable in terms of the size, scale and appearance of the development scheme, and is considered appropriate subject to the imposition of suitable conditions to mitigate against any concerns arising and as identified.
- 6.72 The requirement of a s106 legal agreement is to prevent outside storage of tyres and related paraphernalia (as currently happens) within the red line boundary of the application site unless within the building envelope. Any storage outside the red line boundary would likely require planning permission in its own right.
- 6.73 The applicants have confirmed their agreement to enter into a suitable and satisfactory legal agreement to this effect.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development.

Use Description	Proposed	Existing	Net Gain
All Other Development	654	0	654
		Total Gain	654
		Total Demolition	0

Please note that the above figures will be reviewed by the CIL Team prior to issuing a CIL Liability Notice and may therefore change.

Exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

- 7.1 To approve full planning permission subject to appropriate conditions and the completion of a Section 106 Legal Agreement. In the event that the legal agreement is not completed within three months of the decision of this Committee, the Director of Place be authorised to refuse permission on the grounds of failure to secure the obligations necessary to make the development acceptable in planning terms.

Conditions:

1. 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-Commencement Condition:** The development hereby approved shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following relevant measures:
 - i. An introduction consisting of a description of the construction programme, definitions and abbreviations and project description and location;
 - ii. Details of how residents will be advised of site management contact details and responsibilities
 - iii. Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials (including any stripped topsoil)
 - iv. Details regarding parking or site operatives and visitors, deliveries, and storage;
 - v. The method of access to and from the construction site
 - vi. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
 - vii. Locations and details for the provision of wheel washing facilities and dust suppression facilities

The construction shall thereafter be carried out in accordance with the details and measures approved in the CEMP.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) – (c) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until an Arboricultural Method Statement detailing all trees/hedgerows on site and adjacent to the site to be retained during construction works, and measures to provide for their protection throughout all construction works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and thereafter carried out at all times strictly in accordance with the agreed details.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

7. **Pre-Occupation Condition:** The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification that the remediation scheme required and approved under the provisions of condition 4(c) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 4(c), unless otherwise agreed in writing by the Local Planning Authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

8. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained
 - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
 - Details of all hard surfacing materials and finishes
 - Details of the management and maintenance of the landscaping within the site
 - Boundary details
 - External levels

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

The approved external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. No external lighting shall be installed without the prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to protect neighbouring amenity in accordance with Policies 31 and 33 of the HDPF.

9. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until details for the provision for the storage of refuse and recycling facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to occupation (or use) of the development hereby permitted and thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

10. **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the access, turning and parking facilities necessary to serve the development has been implemented in accordance with the approved details as shown on plan 2209PE_RO_000.2 and shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

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

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

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

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

13. **Regulatory Condition:** No works for the implementation of the development hereby approved, including deliveries of construction materials or plant and machinery and removal of any spoil from the site, shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

14. **Regulatory Condition:** No deliveries, loading or unloading or dispatch shall take place from the site before 08:00 or after 18:00hrs Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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

15. **Regulatory Condition:** No activities other than loading or unloading shall be undertaken in the open air and no externally located storage of any produce, crates, packing or other materials or waste associated with the use of the site for the storage of tyres is permitted at any time.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

- 16 **Regulatory Condition:** No trade counters shall operate from the site at any time.

Reason: Due to the exceptional reasons which justify the grant of this planning permission and due to the unknown and potentially harmful impacts on local landscape character, highways, and amenity under Policies 25, 26, 33 and 40 of the Horsham District Planning Framework (2015).

17. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order) and the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, the units hereby permitted shall only be used for purposes of tyre storage falling with Class B8 and for no other purposes within Class B8 without express planning consent from the Local Planning Authority first being obtained.

Reason: Due to the exceptional reasons which justify the grant of this planning permission and as subsequent changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the unknown and potentially harmful impacts on local landscape character, highways, and amenity under Policies 25, 26, 33 and 40 of the Horsham District Planning Framework (2015).