



**TO:** Planning Committee North

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

**DATE:** 7<sup>th</sup> 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](http://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).