Horsham District Council

Mr Mark Kelly
15 Elgar Avenue
Surbiton
KT5 9JH

Application Number: DC/24/0190

TOWN & COUNTRY PLANNING ACT, 1990 (as amended)
TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr John Coles

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby REFUSE to permit the works specified hereunder, that is to say:

Removal of Conditions 9, 10 and 13 of previously approved application DC/23/0578 (Variation of conditions 5 and 6 of previously approved application DC/20/2126 (Change of use of the land and buildings for the blending, screening, storage and distribution of landscape materials (Class Sui Generis). Extension of an earth bund along the northern boundary and erection of 2.2m high wall to the western boundary) to allow for the removal of the hopper and in relation to the noise levels on site) Relating to the operations at the site.

Lower Broadbridge Farm, Bury Hill Landscape Supplies Billingshurst Road Broadbridge Heath West Sussex

as shown on Plan and Application Number DC/24/0190 submitted to the Council on 21/03/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the variation to conditions 9, 10 and 13 would not result in a greater level and intensity of activity and consequently a greater level of noise and disturbance. It has not therefore been demonstrated that the proposed variations would not adversely and unacceptably impact the amenities and sensitivities of neighbouring properties and users of land, contrary to Policy 33 of the Horsham District Planning Framework (2015).

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	21.03.2024
Supporting Statement	Planning Statement	NONE	05.02.2024

Note To Applicant:
Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively

in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.



Emma Parkes
Head of Development and Building Control

Date: 16/05/2024

ADDITIONAL INFORMATION

Right of Appeals
If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries.