Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0976
Highdelf, Church Place, Pulborough, West Sussex, RH20 1AF

DESCRIPTION:

Installation of plastic mesh to provide parking spaces (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

PL/94/80	Outline; remove 2 timber framed dwellings and replace with 2 bungalows (From old Planning History)	Application Permitted on 13.03.1981
PL/42/81	A.r.m pl/94/80; remove 2 timber framed dwellings and replace with 2 bungalows with attached garage (From old Planning History)	Application Permitted on 13.05.1981

SITE LOCATION & APPLICATION DESCRIPTION

The application site comprises a small area of grassland/open space, located at the junction of Church Place and a private road serving the properties, Highdelf and Holmwood, within the built-up are boundary of Pulborough. There are a number of mature trees on the site which are protected by means of a Tree Preservation Order (TPO/1523), with the site also being situated within the Pulborough (Church Place) Conservation Area. There are no Article 4 Directions covering the site and the land is not situated within the curtilage of a listed building.

The proposals seek to install a plastic terram mesh on ground between the trees, to provide a parking space/s for visiting friends and family of Highdelf. The application details there will be no need for groundworks, with the mesh being secured in place with pins.

Internal Consultations:

HDC's Arboricultural Officer: Objection/Advice

Locating parking spaces within the soft ground of the tree's Root Protection Area (RPA), even with plastic mesh, risks soil compaction from heavy vehicle movement. This reduces oxygen and water availability, potentially causing irreversible damage to fine feeder roots and leading to long-term tree decline or loss. Respecting RPA boundaries is therefore essential.

Parking beneath mature trees, particularly lime trees, raises practical issues such as damage to vehicles from falling sap, twigs, and bird droppings. Over time, this could reduce the usability of the parking area and lead to pressure for heavy pruning or even tree removal due to perceived nuisance. These impacts are foreseeable if the area beneath the canopy is used for vehicle parking.

It has not been clearly demonstrated that ground preparation would not be required to achieve a flat surface for laying the plastic mesh. As all parts of the tree, including its roots, are protected under the Tree Preservation Order (TPO), any such works risk severing surface roots. This could be considered wilful damage and may constitute an offence under the TPO.

PLANNING ASSESSMENT

This application seeks a Certificate of Lawful Development (Proposed), for the installation of plastic mesh to provide parking spaces.

Article (2) of Section 192 of the Town and Country Planning Act 1990 states:

"If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect, and in any case they shall refuse the application."

Article (5) of Section 193 of the Town and Country Planning Act 1990 states:

"A certificate under section 191 or 192 shall not affect any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted unless that matter is described in the certification"

Use of the Land

Within the Application Form, the applicant has stated the use of the land is a C3 (dwellinghouse) use, and is therefore within the curtilage of Highdelf. However, no evidence has been provided to demonstrate that the land is either historically or lawfully, part of the curtilage of the dwelling. There is also no relevant planning history to support this claim, where the physical separation of the site from the dwelling, combined with no functional link, suggest that the land constitutes a separate planning unit.

In this instance, the land is clearly separate from the residential garden and does not display any established ancillary or incidental use in connection with the main dwelling. As such, the land cannot be assumed to benefit from permitted development rights that are only applicable for land within the residential curtilage.

Furthermore, records from the original planning permission (ref. PL/42/81) indicate that this area was designated as grassland with sapling trees to be retained. No subsequent planning applications or lawful use certificates have been submitted to indicate a change in use since that time. In the absence of evidence to the contrary, the land is therefore considered to be in agricultural use by default.

Material change of use

The Court of Appeal within the court case of Crawley BC v Hickmet Ltd 1997, confirmed that 'parking is when a car is left in a convenient place for the resumption of an interrupted journey or the start of the next journey. It might be short term, overnight or long term'. This stance detailed within this report, is also supported by the High Court decision in Campbell Court Property Inc. v SSETR (2001), where it was held that the parking of cars on adjacent land was not incidental to residential occupation when the land was not lawfully within the curtilage and had no established history of such use

For the reasons outlined within the preceding section, the proposed use of the land for car parking would constitute a material change of use from agriculture to a sui generis use, which therefore requires planning permission. The intended use cannot be considered incidental or ancillary to agriculture, nor to the residential use of the neighbouring property, given the clear physical and functional disconnection and the status as a separate planning unit.

Although the applicant indicates parking would occur only once or twice per week, the installation of the mesh surfacing would enable an unrestricted and ongoing use of the land for this purpose. While it is acknowledged that laying such mesh does not amount to an engineering operation, the result would facilitate a permanent use of the land for parking, beyond what could reasonably be considered occasional. For these reasons, the proposal is considered to amount to a material change of use of land that would require planning permission.

Arboricultural Impact

The Council's Arboricultural Officer has raised significant concerns regarding the impact of the proposal on protected trees. The parking area falls within the Root Protection Area (RPA) of at least one tree subject to a Tree Preservation Order (TPO). While the applicant proposes a 'no dig' solution using mesh surfacing (e.g. Terram), the regular movement of vehicles across the land would likely lead to soil compaction, a well-documented threat to tree root health. Such compaction can cause irreversible damage and may result in long-term decline or eventual loss of the tree. This would constitute wilful damage, which could amount to a criminal offence under the TPO legislation.

Other matters:

Two letters of representation from the same address have been received, objecting to the proposal. This objection is on the grounds of the parking space being used by persons other than the owners of Highdelf, access and obstruction issues, devaluation of the objector's property and the potential for damage to vehicles parking in the space.

Conclusion:

The proposed development would facilitate a material change of use of the land for the purposes of car parking, where this would require the benefit of planning permission. Therefore, the application for a Lawful Development Certificate is recommended for refusal.

Recommendation: Application Refused

Reason(s) for Refusal:

1. The proposed installation of plastic mesh would facilitate the use of the land for car parking purposes, where this would represent a material change of use of land as set out in Section 55 of the Town and Country Planning Act 1990 (as amended).

Plans list for: DC/25/0976
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs		NONE	12.06.2025
Supporting Statement	Specification, design and installation guidance	NONE	12.06.2025
Supporting Statement	Product data	NONE	12.06.2025
Location plan	Location Plan	NONE	12.06.2025
Site plan	Proposed Site Plan	SK-01	12.06.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 06/08/2025

Authorising Officer sign/initial Tamara Dale Date: 07/08/2025