BRETT INCORPORATED
PLANNING AND DEVELOPMENT SERVICES
LIMITED

27 May 2025

Our Ref.: 1891.2

Dear Planning Admin,

Marthas Barn, Wheatsheaf Road, Henfield BN5 9AX

I enclose herewith an application seeking a Certificate of Lawfulness for a Proposed Use or Development (CLPUD) that will confirm a hard surface and new building at the above mentioned premises shown on drawings 1891.2/01, 02 & 03 are permitted development (PD) under Classes H and J of Part 7 of Schedule 2 of the May 2025 version of the GPDO.

By way of background information, HF/31/94 and HF/32/94 confirmed the eastern building on the current site and its use for storage in connection with an agricultural trenching contractors business were lawful. The LDC and LUC are limited solely to the building itself. The effect of DC/10/0650 was not only to extend the use of that lawful building to B1/B8 use but also to increase the curtilage of the premises onto agricultural land to the north and south of the building. The commercial area was yet further extended to its west and south onto agricultural land by way of the wholly new substantial B8 building and yard permitted under DC/17/2554. The red edged area associated with DC/17/2554 encompassed the entire commercial site and now represents the

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curtilage of these commercial premises. Planning permission was granted for extended use of the original eastern building under DC/20/0996 with condition 6 limiting the wider use to "the display and sale of kitchens and fitted furniture ancillary to the storage, distribution and finishing of furniture and for no other purposes in Use Class E". Whilst the permitted B1 use of the building for offices, research and development and industrial purposes has been incorporated into the new E use as E(g)(i)(ii)(iii) alongside the former A1 retail use that is now E(a), the permitted storage and distribution use to which the retail use must be ancillary remains as B8. None of the permissions for the site and in particular the new B8 building permitted under DC/17/2554, remove commercial PD rights as set out in Part 7 of Schedule 2 of the May 2025 version of the GPDO, which therefore remain intact.

New Building *(Shown colour washed pink on drawing 1891.2/02 with floor plan and elevations on drawing 1891.2/03)*

Class H of Part 7 of Schedule 2 of the May 2025 version of the GPDO sets out related PD rights under the heading "extensions etc of industrial and warehouse".

The gross floor space of the new building will not exceed 200 sq m with a height of 6.2m to match the building it will sit next to that was permitted under DC/17/2554. There can be no doubt the new building will stand within the curtilage of the commercial building and site and, in particular, the red edged application site of DC/17/2554 that increased the extent of the commercial site onto agricultural land. No part of the building will be closer than 10m to the boundary of the commercial site. The building will stand on part of the site not reserved for parking or turning of vehicles. Indeed, the proposed use of this land and land to the south for lorry turning and as a delivery area was dismissed at appeal on 28 April 2025 under reference DC/22/1790 with the Inspector noting at paragraph 49 of the decision letter that land to the front of the original eastern building and to its west is reserved by condition for parking and turning.

The block plan submitted in support of this application shows the building will be 6m from the parking area to the west of the original building such that it will not impede the access to or egress from those parking spaces. For the avoidance of doubt, the site is not Article 2(3) land i.e. conservation area, AONB or National Park etc.

In all the circumstances, the proposed building will not breach any part of Class H.1 and will comply with the relevant parts of H.2. In this latter respect, particularly relative to water neutrality matters, the building will be used solely for B8 warehousing purposes with no ancillary employee facilities. No mains water will therefore be consumed in the building. Overall, it is considered the new building is PD with no consequences arising from water neutrality.

Hard Surface *(Shown as hatched red colour wash on drawing 1891.2/02)*
Class J of Part 7 of Schedule 2 of the May 2025 version of the GPDO sets out related PD rights. In this respect, the hard surface will be within the curtilage of the commercial buildings and site in general. It is not within the curtilage of a listed building and whilst it will be constructed of loose free draining stone there is no risk of groundwater contamination arising from the permitted lawful uses at this site. Overall, it is considered this hard surface is PD.

I trust this clarifies the nature of the application but should you require any further information then please do not hesitate to contact me. I would be grateful if you could confirm the building and hard surface would be permitted development at your earliest convenience.

Yours sincerely,

Simon Brett