Horsham District Council

Mr Tom Ayres
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B3 3NH

Application Number: DC/24/0726

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

On behalf of: Dunmoore Group Dunmoore Group

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:

Variation of Condition 1 and Condition 65 of previously approved application DC/21/1107 (itself a variation of DC/21/1209, DC/20/0171, and DC/19/1365 of the originally approved Hybrid planning application DC/18/2122 for Detailed planning permission for up to 4,998sqm of B1c,B2 and B8 use floorspace, roundabout access junction from the A29, access, parking, servicing areas and associated landscaping [phase 1]. Outline planning permission for up to 14,075sqm of B1c, B2 B8 use floorspace, petrol filling station with ancillary retail offer and drive through coffee unit, with all matters reserved except for access (phase 2]). Relating to approved plans and planning uses.

Hilland Farm Hilland Road Billingshurst West Sussex

as shown on Plan and Application Number DC/24/0726 submitted to the Council on 08/05/2024. The reasons for the Council's decision to refuse to permit the above works are specified hereunder.

1 The variation of Condition 65 by way of the s73 application, would have the effect of introducing wording within the amended condition (no 65) which would create a conflict with the operative wording of the original planning permission, by way of seeking the permission to enable Class E(a) bulky retail use within plot 18. This goes beyond the scope of the original planning permission, which restricted uses to E(g(iii), B2 and B8 only. The proposal therefore constitutes a fundamental change to the approved development which is not permissible under section 73 of the Town and Country Planning Act 1990.

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement		NONE	08.05.2024
Location plan		RM8-01-A	08.05.2024
Location plan		RM8-LP-0 1	08.05.2024
Layout plan		1751-L-00 REV P02	08.05.2024

Supporting Statement	Planning	NONE	08.05.2024

Note to Applicant
Notwithstanding the reason for refusal, the applicant is advised that other considerations such as traffic and water neutrality may be material in the event of a subsequent appeal.

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: 07/08/2024

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.