Statement of the Local Planning Authority

PLANNING INSPECTORATE REFERENCE: APP/Z3825/W/25/3373279

LOCAL PLANNING AUTHORITY REFERENCE: DC/24/1571

Town and Country Planning Act 1990

Planning appeal by **HE4 UK Enterprises 17 GP Limited** at:

Land Parcel at 507911 125837, Newbridge Road, Billingshurst, West Sussex, RH14 9HY

Appeal to be determined by an Inspector appointed by the Secretary of State by way of the **Written Representation** procedure.

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1. The Appeal Site

1.1 The appeal site comprises a former agricultural field on an edge-of-village site, where a hybrid consent was first granted for a wider development comprising full permission for a motorcycle showroom and workshop, and a petrol filling station, and outline consent for 4,627sqm of employment floorspace ((B1b/B1c/B2/B8) under DC/19/0295 (January 2020). The consented site layout comprised of the petrol filling station located in the north-eastern quadrant of the wider site and the motorcycle showroom and workshop in the north-western quadrant, separated by vehicular access from the north off the A272 (Newbridge Road). The outline consent parcel comprising the employment floorspace was located along the southern side of the parcel, beyond which lies a retained section of agricultural field.

1.2 The petrol filling station commenced under the original consent (DC/19/0295) and has since been built out under a varied permission, whilst the motorcycle showroom and workshop remains extant.

1.3 The original outline element expired before any reserved matters applications were received for this element of the scheme.

Relevant to the wider site:

DC/19/0295	**Hybrid application** for the erection of petrol filling station with convenience store and sandwich bar, car wash, jet wash and car parking; motorcycle showroom and workshop with associated car parking; outline planning permission for flexible employment space (B1b/B1c/B2/B8) totalling 4,627sqm with associated car parking and circulation space (scale, landscaping and appearance reserved); new access to the site from A272 and pedestrian link to footbridge over A29.	Application Permitted on 10.01.2020

DC/20/0399	**Non material amendment** to previously approved DC/19/0295 (Hybrid application for the erection of petrol filling station with convenience store and sandwich bar, car wash, jet wash and car parking; motorcycle showroom and workshop with associated car parking; outline planning permission for flexible employment space (B1b/B1c/B2/B8) totalling 4,627sqm with associated car parking and circulation space (scale, landscaping and appearance reserved); new access to the site from A272 and pedestrian link to footbridge over A29.) Relating to creating Phase 1a and Phase 1b	Application Permitted on 27.03.2020

1.4 A new outline application was received and considered separately for the employment floorspace, under DC/22/0518, subsequently granting consent for the delivery of 4,627sq.m of employment floor space, falling within use classes E(g)(ii) and (iii), B2 and B8), along with parking and circulation space (October 2022).

Relevant to Phase 2:

DC/22/0518	**Outline** Application for redevelopment of the site to provide flexible employment space (Use Classes E(g)(ii) and (iii), B2 and B8) totalling 4,627sqm, ancillary parking and circulation space with all matters reserved except access and layout	Application Permitted on 07.10.2022
DC/24/1989	**Variation** of condition 1 and 17 of previously approved application reference DC/22/0518 (Outline Application for redevelopment of the site to provide flexible employment space (Use Classes E(g)(ii) and (iii), B2 and B8) totalling 4,627sqm, ancillary parking and circulation space with	Application Permitted on 12/02/2025

	all matters reserved except access and layout) regarding revised masterplan and reference to the proposed footpath, and Discharge Details in relation to Conditions 5, 6 part ii, 7, 8, 9, 12, 15 and 20.	
DC/24/0805	**Reserved matters** application pursuant to Condition 2 of outline planning permission DC/24/1989 (Variation of condition	Application Permitted on 12.02.2025
DC/25/0386	**Variation** of Condition 1 and Removal of Condition 18 of previously approved application DC/24/1989 (Variation of condition 1 and 17 of previously approved application reference DC/22/0518 (Outline Application for redevelopment of the site to provide flexible employment space (Use Classes E(g)(ii) and (iii), B2 and B8) totalling 4,627sqm, ancillary parking and circulation space with all matters reserved except access and layout) regarding revised masterplan and reference to the proposed footpath and Discharge Details in relation to Conditions 5, 6 part ii, 7, 8, 9, 12, 15 and 20) Relating to SNOWS / Water Neutrality. **(See Appendix A)**	Application Permitted on 09.05.2025
DC/25/0342	**Variation** of Condition 1, 10,18,19,and 21 of previously approved application DC/24/1989 (Variation of condition 1 and 17 of previously approved application reference DC/22/0518 (Outline Application for redevelopment of the site to provide flexible employment space (Use Classes E(g)(ii) and (iii), B2 and B8) totalling	Application Permitted on 18.07.2025

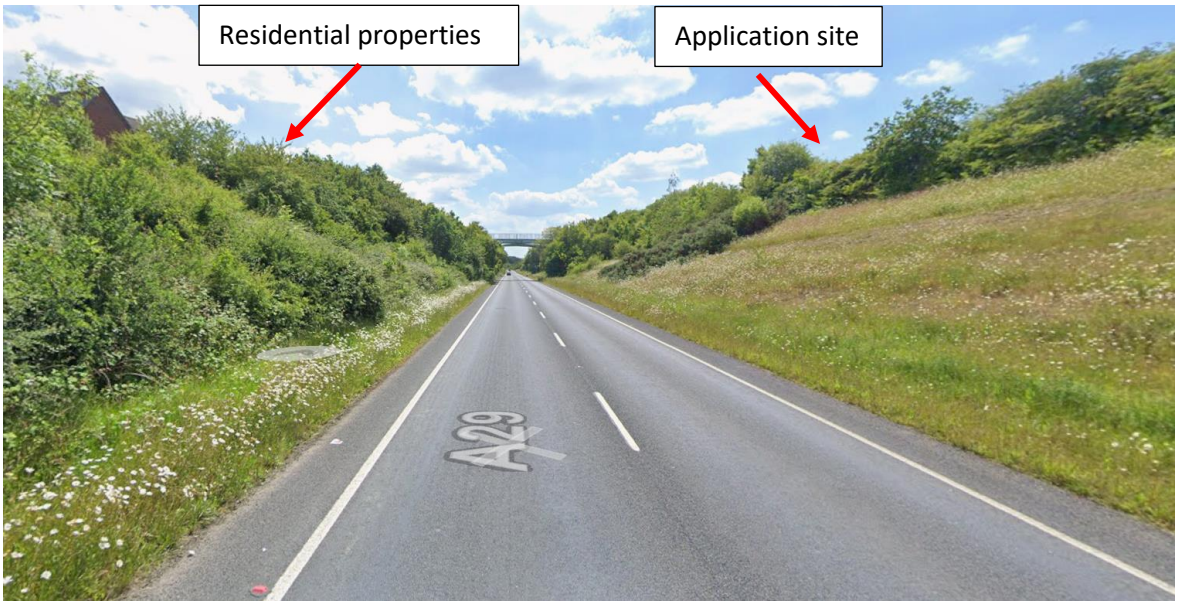
4,627sqm, ancillary parking and circulation space with all matters reserved except access and layout) regarding revised masterplan and reference to the proposed footpath and Discharge Details in relation to Conditions 5, 6 part ii, 7, 8, 9, 12, 15 and 20.) Relating to water neutrality.

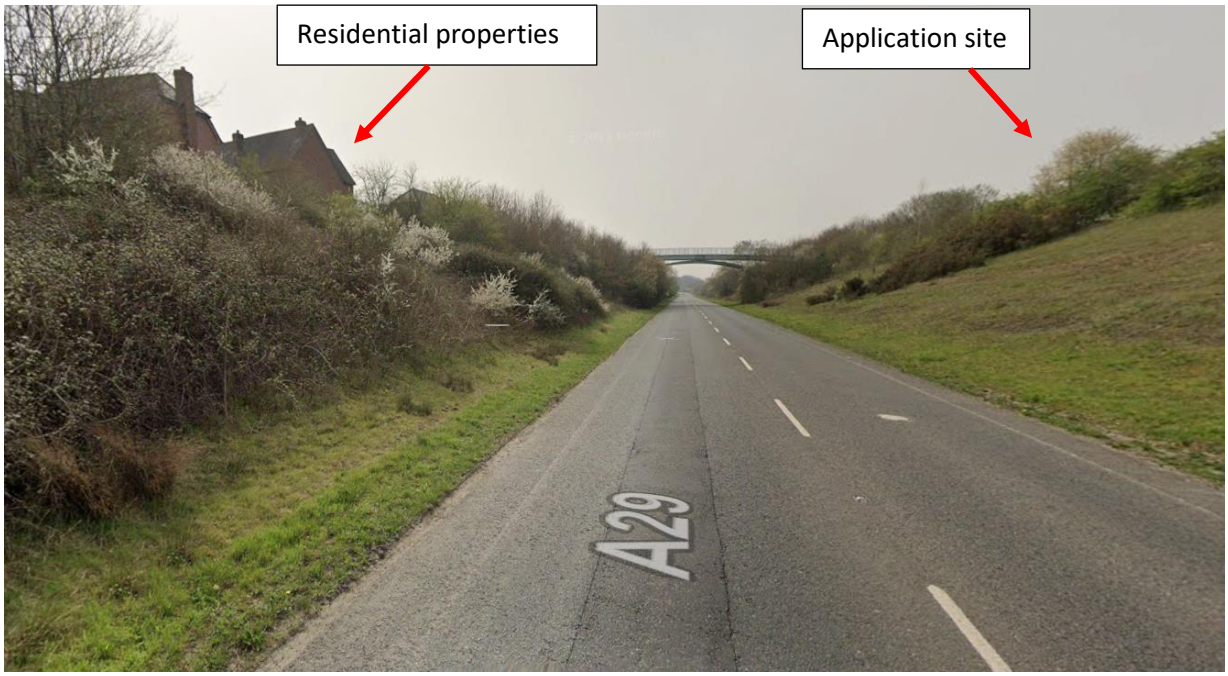
(See Appendix B)

1.5 The context of the appeal site is as previously described; an edge of village, greenfield site, situated on rising ground levels which slope from the north where the wider site adjoins the A272 (Newbridge Road) and where the petrol filling station and drive-through coffee unit are located and operational, to the south, with a difference of some 6.3m across the site's natural topography. Some 113m to the south of the appeal site's southern boundary, lie two detached rural properties; Bridgewater Cottage and Bridgewater Farm.

1.6 To the west of the appeal site lies the A29 road corridor, set within a cutting that lies some 6m below the appeal site's natural ground levels. To the east of the A29 lie residential dwellings at Pond Close, Platts Meadow and Larks View, which are set at ground levels comparable to the appeal site (above the A29 roadway).

1.7 The road cutting includes vegetation that provides screening of the roadway. The Google Street-view images show the vegetation alongside the road cutting in full summer leaf and during leaf-fall:





1.8 When the original hybrid consent was being considered, the employment floorspace element was still in outline, with no identified end users or operators. The Council's Environmental Health department reviewed the overall site proposal, and returned 'no objections', with a recommendation that the following hours of use be incorporated into planning conditions:

1) *Hours of delivery and dispatch to be restricted to 0700 – 1800 Mon – Fri and 0700 -1300 Saturdays. With no operations on Sundays, Bank or Public Holidays.*

2) *Hours of work for the flexible employment space to be restricted to 0700 - 2000 Mon – Fri and 0700 – 1800 Saturday. With no operations on Sundays, Bank or Public Holidays.*
3) *No activity/work (for the flexible employment space) save for delivery / dispatch to take place outside of the proposed units at any time.*
4) *Hours of operation for the Car wash / Jet wash to be restricted to 0700 – 2000 Mon – Saturday. With no operations on Sundays, Bank or Public Holidays.*
5) *Extension of the acoustic barrier along the length of western boundary*

1.9 For context, the following planning conditions were applied to the hybrid consent DC/19/0295, with both of those relevant to Phase 1 (Petrol Filling Stateion and Motorcycle workshop / showroom) and Phase 2 (outline employment floorspace) set out:

For Phase 1, the following planning conditions were applied:

25. Regulatory Condition: No deliveries or dispatches (excluding deliveries of fuel) shall take place within Phase 1 of the development hereby permitted, except between the hours of 06:00 to 23:00 Monday to Saturday, and 07:00 to 20:00 on Sundays and public holidays.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

26. Regulatory Condition: No manufacturing processes shall take place in connection with the B2 Workshop building within Phase 1 shown on the site masterplan [ref: CHQ.18.15464-PL03D], except between the hours of 07:00 to 23:00 Monday to Sunday.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

27. Regulatory Condition: The car wash and jet wash facilities shown on the site masterplan [ref: CHQ.18.15464-PL03D] hereby permitted, shall not be operated except between the hours of 07:00 to 22:00 Monday to Sunday.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

28. Regulatory Condition: No external lighting or floodlighting shall be installed within Phase 1 of the development hereby permitted other than that shown on the plan named 'Figure 5: Simplified Lighting Scheme' contained within the approved Lighting Assessment [WYG, received 07 February 2019]. All such lighting shall be maintained in accordance with the details contained within the Lighting Assessment.

Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

29. Regulatory Condition: No externally located plant or equipment within Phase 1 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 neighbouring occupiers and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

For Phase 2, the following planning conditions were applied:

39. Pre-Occupation Condition: The use within Phase 2 hereby permitted shall not commence 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 regularly reviewed to ensure that it takes account of current operational practices at the site.

Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority, the Noise Management Plan shall be reviewed. Any changes to the Noise Management Plan necessary to address these concerns shall implemented to the satisfaction of the Local Planning Authority. The use hereby permitted shall thereafter be operated in accordance with the approved details.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).

47. Regulatory Condition: No operations or activities, including the operation of plant and machinery and deliveries/dispatches, shall take place in connection with any of the units within Phase 2 of the development hereby permitted; except between the hours of 06:00 to 23:00 Mondays to Saturdays, and 07:00-20:00 on Sundays and public holidays.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

48. Regulatory Condition: No external lighting, other than low level lighting to emergency exits, shall be operated within Phase 2 between the hours of 23:00 to 06:00 hours the following day on Mondays to Fridays, 23:00 to 07:00 hours the following day on Saturdays, and 20:00 to 06:00 hours the following day on Sundays and public holidays.

Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

49. Regulatory Condition: No externally located plant or equipment within Phase 2 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 neighbouring residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

1.10 The Council looks to apply 'standard' hours of use conditions across employment development within the district with a view of focussing operation activities to times of the day and week when such activities are less likely to give rise to undue nose events or general disturbance. Therefore, most types of use can operate within the 06:00 – 23:00hour weekday time frame whilst not giving rise to undue adverse impacts, particularly on neighbouring residential amenities. Beyond these hours, activities and noise-generating operations associated with employment uses can lead to residential amenity harm, particularly in rural and semi-rural locations, as per the appeal site.

1.11 When the Council considered the standalone outline application for the employment floorspace (Phase 2) under application DC/22/0518, those same planning conditions were re-applied:

> **12. Pre-Occupation Condition**: Prior to the first occupation or use of the development hereby permitted a Noise Management Plan shall have been submitted to 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 regularly reviewed to ensure that it takes account of current operational practices at the site. Where any activities or operations that give rise to concerns of impact to local amenity are received by the operator or the Local Planning Authority, the Noise Management Plan shall be reviewed. Any changes to the Noise Management Plan necessary to address these concerns shall implemented to the satisfaction of the Local Planning Authority. The use hereby permitted shall thereafter be operated in accordance with the approved details.
>
> *Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).*

23. Regulatory Condition: No operations or activities, including the operation of plant and machinery and deliveries/dispatches, shall take place in connection with any of the units within the development hereby permitted; except between the hours of 06:00 to 23:00 Mondays to Saturdays, and 07:00-20:00 on Sundays and public holidays.

Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

24. Regulatory Condition: No external lighting, other than low level lighting to emergency exits, shall be operated within the development site hereby permitted between the hours of 23:00 to 06:00 hours the following day on Mondays to Fridays, 23:00 to 07:00 hours the following day on Saturdays, and 20:00 to 06:00 hours the following day on Sundays and public holidays.

Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

25. Regulatory Condition: No externally located plant or equipment within the development site hereby permitted 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 neighbouring residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

2. The Appeal Proposal

2.1 Application DC/24/1571 was submitted as a s73 amendment to DC/22/0518, with a view of amending the operational hours of the employment units, allowing a potential 24-hour use across the site, by way of an amendment to the wording of Condition 23 of DC/22/0518 from the following:

> ***23 Regulatory Condition****: No operations or activities, including the operation of plant and machinery and deliveries/dispatches, shall take place in connection with any of the units within the development hereby permitted; except between the hours of 06:00 to 23:00 Mondays to Saturdays, and 07:00-20:00 on Sundays and public holidays.*
>
> *Reason: To safeguard the tranquillity of the countryside and amenities of neighbouring properties in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).*

To:

> ***23 Regulatory Condition****: No external operations or activities except deliveries/ dispatches, including the operation of business services process plant and machinery and deliveries/dispatches, shall take place in connection with any of the units within the development hereby permitted; except between the hours of 06:00 to 23:00 Mondays to Saturdays, and 07:00-20:00 on Sundays and public holidays.*

2.2 The appeal application was submitted to enable more 'workable' hours of use to be achieved across the employment development, at the request of the site operator. Enabling a 24-hour use period across the appeal site was cited as allowing the site operator to dispatch and receive deliveries, and operate associated plant and machinery as part of the business services.

2.3 The appeal application was subject to review by the Council's Environmental Health team during the assessment, who engaged in discussions with the appellant's acoustic engineer in early 2025, resulting in an exchange of information including night-time LAFmax noise levels and traffic counts on the A29 / A272.

2.4 On 19th February, 2025, the Council's Environmental Health team sent the following response the appellant, the appellant's acoustic engineer and the case officer:

"Dear Rebecca,

Environmental Health at Horsham District Council have reviewed the Accon UK Technical Note, dated 07.02.25, and we have the following comments to make.

1. *We note that the data from the Tetra Tech noise report has been used as part of the assessment in the technical note. This data is however over six years old and pre-dates the covid-19 pandemic, we therefore have concerns that this data is not representative and may now not reflect current traffic flows. In our experience traffic patterns have shifted since covid and may be significantly less now*
2. *We note the column 'Predicted Night-time LAFmax from Consented Development', it is however not clear from the technical note how these figures have been derived. We assume they have been taken from a previous Accon UK report, we would however be grateful for clarity on how the predicted LAmax levels have been calculated.*
3. *We note the comment 'Tables 1 and 2 also identify the distance corrected LAFmax range measured over one-hour periods (in 5-minute intervals) during the noise survey period at LT3 from December 5th 2018 to December 9th 2018'. It is not clear what distance correction has been applied and where the original monitoring location that this data has been taken from was positioned.*
4. *We note the comment 'It should be noted that the number of LAmax exceedances can only ever be a maximum of 12 as that is the number of 5-minute periods in any one hour'. We appreciate Accon are interpreting another consultants data set, however as only a maximum of 12 LAmax can be reported it is not clear how representative this is of actual traffic movements.*
5. *In the Traffic Movements section we note that following is stated 'Table 3 and 4 provides the night-time hourly traffic flows for the A29 and A272 between the 16th January 2025 and the 22nd January 2025. The traffic count data was provided by Stunt Consulting Ltd'. The fact that more recent data has been used as part of the assessment is welcomed, it is however not clear where the traffic survey was undertaken from. Our concern is that if the survey was on the A29 north of the roundabout or on the A272 either side of the roundabout*

this will not necessarily mean that the particular HGV movement is traveling on the A29 to the south of the roundabout.

We would welcome further comments on the above and would be happy to meet to discuss in more detail."

2.5 In March 2025, further details were provided to the Council's Environmental Health team with a view of addressing the above matters (Technical Note). A response was provided in April 2025:

"Dear Rebecca,

Environmental Health have reviewed the ACCON UK Technical Note dated 12.03.25, thank you to ACCON for providing this, and revisited the previous technical note and report and we have the following comments to make.

1. *From reviewing Figure 2 in the latest technical note we note that the existing LAmax levels are reported to be in the region of 77 to 79dB at the nearest noise sensitive facades which, in our view, do seem unusually high. It is also not clear if these are averaged figures and whether they have been adjusted to take distance and any screening into account. Given these observations we would therefore be grateful if ACCON can confirm how these LAmax figures have been derived.*
2. *From reviewing the data in the previous technical note it is also apparent that during the night time period there is very little HGV movement on the A29 nearest to the closest noise sensitive premises. Given our comments above in relation to the current LAmax levels from the A29, and taking into account the broadband nature of free flowing HGV movements, we are not convinced that current HGV movements on the A29 are having a significant impact on nearby residential amenity and we would question whether they are at a level during the night time hours that would mask noise from the proposed industrial estate.*
3. *We appreciate that the noise levels modelled are currently lower than those predicated from HGV movements on the A29, however given the fact that noise from activities in the proposed yard are likely to acoustically distinctive and readily perceptible due to their character we remain of the view that unfettered*

24 hour use of the site has the potential to have significant impact on residential amenity late at night and during the early hours of the morning.

4. *We are not against the principle of night time operations on the site, one possible way to address our concerns may for a robust management plan to be submitted at this stage which details the type of vehicles that are allowed to access the site during the night time hours and what measures will be employed to minimise noise impact. In the first instance we would however welcome comments on the above."*

2.6 In response to this, the appellant's Acoustic Engineer provided the following statement:

"Thank you for reviewing our Technical Note.

In respect of your comments in the email below, the existing L_{AFmax} levels in Figure 2 have been distance corrected from the existing TetraTech data for LT3 to the noise sensitive receptors as detailed on page 5 of the Technical Note which identifies the formula and parameters utilised to obtain the existing L_{AFmax} at the NSRs.

ACCON have utilised noise measurement data that has been previously undertaken at the site and carried out corrections and predictions in line with standard acoustic formula. Whilst I understand that your view is the L_{AFmax} levels seem high, please can you provide any data you may have for the surrounding area which supports lower L_{AFmax} levels for the noise sensitive receptors which face towards the A29?

I have attached the previous robust Operational Noise Management Plan, please can you provide comments as to what you would like to be included in order for the site to be allowed 24-hour use?"

2.7 At the end of April, 2025, the Council's Environmental Health team offered the following response to the appellant's Acoustic Engineer:

"Thank you for the additional comments. We have the following comments to make in reply.

1. *Given that location LT3 was located on the roundabout, where LAmax noise levels may be higher, and the fact that the A29 near to the properties on Pond Close is located in a cutting, which will provide a degree of mitigation, we remain of the view that the LAmax levels from the A29 at the nearest noise sensitive premises may be lower than predicted by ACCONs modelling.*
2. *I note Rebecca's question in that do we have up-to-date noise data for this is area which is not something that we currently have. We will therefore be contacting residents of Pond Close with a view to undertaking our own noise monitoring from one of the properties. Once this monitoring has been undertaken we will be happy to share this with you."*

2.8 With a view of seeking an agreeable solution to the hours of use being sought at the employment site, Council officers suggested that only internal operations within the units be allowed across a 24-hour period, but that deliveries and dispatch activities be restricted between the hours of 23:00 – 06:00 Monday – Saturday, and after 20:00 on a Sunday and Bank Holidays.

2.9 This suggestion by Council officers reflected the concern in relation to the proximity of residential properties to the east of the site which may be impacted by the late-night noise events occurring as a result of deliveries and dispatch, and other operations occurring at the site, given the transitional rural location of the site, and edge of village location of the residential properties to the east. Council officers acknowledged the location and nature of the A29 alongside these residential properties, but noted that this road lies in a cutting, around 6m below the natural ground level of the surrounding topography, with any likely noise events effectively 'skimming' across the road cutting and being audible at the residential receptors as a result. The concern was derived from what was considered to be an existing quiet night-time environment.

2.10 The suggestion by Council officers that the employment units operate internally across a 24-hour period was in acknowledgement that some operations would be acceptable where these could be contained within a building, thus not giving rise to potential undue. night-time noise events.

2.11 Council officers also acknowledged that the Council would consider any subsequent applications made for the variation of the hours of use condition on a

case-by-case basis by prospective occupants of the units, which would be assessed given specific business needs and relevant mitigations as may be appropriate or necessary at the time of such an application.

2.12 In seeking to progress the appeal application, Council officers proceeded to review the site layout and proposal in more detail, considering that the manoeuvring activities associated with units 5-9 of the consented scheme would be further removed from the residential amenities of properties to the east, and therefore less likely to lead to harmful noise events during sensitive night-time hours. It was concluded that there would be an opportunity to vary the operational hours of these units to the western side of the consented development.

2.13 The location and proximity of Units 1-4 remained of concern in relation to the residential amenities of nearby properties to the east. External activities, such as dispatch and deliveries of Units 1-4 would therefore continue to remain subject to the previously applied hours of use restrictions.

2.14 The appeal application was progressed accordingly, and formally determined, subject to a modified condition 23:

> 23 **Regulatory Condition**: The site shall be subject to the following:
>
> a) With the exception of internal operations and associated deliveries and dispatch, no operation of plant and machinery, or external activities shall take place in connection with the units 5-9 on the Proposed Block Site Plan [101 Rev B] hereby permitted under DC/24/1989; except between the hours of 06:00 to 23:00 Mondays to Saturdays, and 07:00-20:00 on Sundays and public holidays.
>
> b) No operations or activities, including the operation of plant and machinery and deliveries/dispatches, shall take place in connection with the units 1-4 on the Proposed Block Site Plan [101 Rev B] hereby permitted under DC/24/1989; except between the hours of 06:00 to 23:00 Mondays to Saturdays, and 07:00-20:00 on Sundays and public holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).



Site layout referred to within Condition 23

Properties at Pond Close and Larks View indicated

3. Conclusion

3.1 The Appellant's Statement has been supported by an Expert Witness Statement for Noise (dated 12th Sept 2025, by Accon UK), which sets out details of a Noise Study carried out between 30th July and 1st August 2025, at 4 Pond Close, and a Written Statement. A revised Noise Management Plan has also been provided (secured under Condition 12).

3.2 The Council recognises that the Appellants have undertaken additional noise monitoring works, in relation to the residential amenities of 4 Pond Close and 13 Platts Meadow, which are located closest to the appeal development.

3.3 The Council's Environmental Health team has reviewed the full appeal case submitted by the appellant and has provided a response (attached at **Appendix C).**

3.4 The Council maintains the view that the wording of condition 23 as currently applied to DC/24/1571 offers a flexible approach to the prospective occupiers of the site in the first instance, which would not unduly restrict the marketability of the units, nor the ability for eventual occupiers to operate within a reasonable framework of restrictions, given the location of the appeal site and the proximity of residential properties.

3.5 The Council also acknowledges that prospective occupiers of the units may seek to apply to vary the hours of use under condition 23 in the future should they wish, which the Council would consider and assess at the time, based on the relevant information submitted with any such application.

3.6 Whilst the Council acknowledges the additional noise monitoring that has been carried out, it remains evident that the vehicular movements along the A29 (including HGV movements), remains low during night-time hours, and which typically increases after 06:00, when there is typically less sensitivity to noise-related events. Furthermore, the noise profile of arriving, manoeuvring and departing vehicles within the site during night-time hours, would be different from those travelling along a straight section of the A29 alongside the appeal site, and

would not be masked by traffic noise on the public highway during the sensitive hours.

3.7 The Council, therefore remains of the view that the wording of Condition 23 as currently imposed remains in accordance with all parts of para 58 of the NPPF (Dec 2024).

3.8 Accordingly, the Inspector is invited to agree with the Council's view that the current wording of Condition 23 remains robust, valid and necessary, and to dismiss the appeal.

4. Suggested Conditions

4.1 Should the Inspector be minded to allow the appeal, then the following conditions are suggested on a 'without prejudice' basis. The conditions have been replicated in full from the decision notice to which the appeal application relates, DC/24/1571, with the wording which is sought to be amended highlighted in red.

4.2 The Inspector is also advised of a number of applications to discharge planning conditions which remain 'live' at the current time, which relate to later varied permissions DC/25/0386 (see Appendix A) and DC/25/0342 (see Appendix B):

- ***DISC/25/0264*** *(Condition 3 'CEMP' of DC/25/0342)*
- ***DISC/25/0265*** *(Condition 3 'CEMP' of DC/25/0386)*
- ***DISC/25/0267*** *(Conditions 18 and 32 of DC/25/0386) – relating to the rainwater harvesting details and SNOWS / SNWCS credits*
- ***DISC/25/0266*** *(Conditions 18 and 32 of DC/25/0342), – relating to the borehole details and rainwater harvesting details*
- ***DISC/25/0256*** *(Conditions 33 and 34 of DC/25/0342) – relating to the borehole details and rainwater harvesting details*

1 Plans Condition: The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

Reason: For the avoidance of doubt and in the interest of proper planning.

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	AIR QUALITY (SUPPORTING INFO)	784-B033054	28.07.2022
Supporting Statement	*Noise Management Plan*	*A5083 V3*	*17.09.2025*
Section plan	Proposed Site Sections	CHQ.18.15464-PL04E	10.03.2022
Location plan	Location Plan	CHQ.18.15464-PL01C	10.03.2022
Site plan	Proposed Block Site Plan	101 REV B	23.12.2024
Supporting Statement	Flood Risk Assessment and	5017397 Rev 1.0	10.03.2022

	Drainage Strategy		
Supporting Statement	Updated Ecological Walkover Report	784-B033054	10.03.2022
Supporting Statement	Landscape and Visual Impact Appraisal Addendum Appendix 3	DD554	10.03.2022
Supporting Statement	Energy Statement	5017397	10.03.2022
Supporting Statement	Lighting Assessment	784-A101561-3	10.03.2022
Tree plan	Tree Constraints Plan	Treescene	10.03.2022
Supporting Statement	Tree Survey	Treescene	10.03.2022
Supporting Statement	Transport Technical Note	784-B032970	10.03.2022
Supporting Statement	Air Quality Assessment	784-B033054	10.03.2022
Supporting Statement	Specification for an Archaeological Evaluation by Trial Trenching: Land Off Newbridge Road, Billingshurst, West Sussex		13.03.2024
Site plan	Proposed Block Site Plan	101 REV B	23.12.2024
Details plan	Proposed Drainage	D01	24.05.2024
Supporting Statement	Submission to discharge Condition 5 - Drainage	23-030-I&L	24.05.2024
Supporting Statement	PART 1 OF 4Flood Risk Drainage Strategy - Part 1 of 4	5017393-RDG-XX-XX-DOC-C-9950 Part 1 of 4	24.05.2024
Supporting Statement	Flood Risk Drainage Strategy - Part 2 of 4	5017393-RDG-XX-XX-DOC-C-9950 Part 2 of 4	24.05.2024
Supporting Statement	Flood Risk Drainage Strategy - Part 3 of 4	5017393-RDG-XX-XX-DOC-C-9950 Part 3 of 4	24.05.2024
Supporting Statement	Flood Risk Drainage Strategy - Part 4 of 4	5017393-RDG-XX-XX-DOC-C-9950 Part 4 of 4	24.05.2024
Supporting Statement	Flood Risk Technical Note	23-027-GOY	24.05.2024
Supporting Statement	Archaeological Evaluation	AAL 2024051	24.05.2024
Supporting Statement	Submission to discharge Condition 7 (1) - Contamination	23-030-I&L Part 1 of 5	24.05.2024
Supporting Statement	Submission to discharge Condition 7 (2) - Contamination	23-030-I&L Part 2 of 5	24.05.2024

Supporting Statement	Submission to discharge Condition 7 (3) - Contamination	23-030-I&L Part 3 of 5	24.05.2024
Supporting Statement	Submission to discharge Condition 7 (4) - Contamination	23-030-I&L Part 4 of 5	24.05.2024
Supporting Statement	Submission to discharge Condition 7 (5) - Contamination	23-030-I&L Part 5 of 5	24.05.2024
Supporting Statement	Submission to discharge Condition 8 (1) - Levels	23-030-I&L Part 1 of 2	24.05.2024
Details plan	Submission to discharge Condition 8 (2) - Levels	23-030-I&L Part 2 of 2	24.05.2024
Supporting Statement	Submission to discharge Condition 9 - Biodiversity Enhancement Strategy	16479_R02_MJ	24.05.2024
Supporting Statement	Submission to discharge Condition 12 - Noise Management Plan	A5083 V2	17.12.2024
Supporting Statement	Air Quality Damage Cost Assessment	A5083 V2	18.12.2024
Supporting Statement	Submission to discharge Condition 15 - Air Quality Technical Note	A5083	24.05.2024
Supporting Statement		23-030_001A	15.08.2024
Supporting Statement	Water Neutrality / Technical Note s73 Credit Option	Issue 1	14.03.2025
Supporting Statement	Technical Note	Feb 2025	30.04.2025
Supporting Statement	Technical Note in response to EHO comments	Feb 2025	30.04.2025

2 Regulatory (Time) Condition:
(a) Approval of details relating to the scale and appearance of each building, access within the site, and landscaping of the development (hereinafter called "the Reserved Matters"); shall be obtained from the Local Planning Authority in writing before any development of this phase is commenced.
(b) Plans and particulars of the Reserved Matters referred to in condition (a) above, relating to the scale and appearance of each building, access within the site, and landscaping of the development shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
(c) Application for approval of the Reserved Matters shall be made to the Local Planning Authority before 07.10.2025.
(d) The development hereby permitted shall be begun either before 07.10.2025, or before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development of the Outline element in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3 Pre-Commencement Condition: No development (including any ground clearance or site levelling) shall commence until a Construction Environment Management Plan (CEMP) has

been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be a single document covering the development of this part of the site and shall be strictly adhered to throughout the construction period. The CEMP shall provide for, but not be limited to:
i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
ii. A description of management responsibilities;
iii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust;
iv. Site working hours and a named person for residents to contact;
v. Detailed Site logistics arrangements;
vi. Details regarding parking, deliveries, and storage;
vii. The anticipated number, frequency and types of vehicles used during construction;
viii. Details of construction traffic routing, including site access;
ix. Details of any construction-related floodlighting, including location, height, type, timing and direction of light sources and intensity of illumination;
x. Details regarding dust and noise (including vibration) mitigation measures to be deployed including identification of sensitive receptors and ongoing monitoring;
xi. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
xii. Communication procedures with the local community regarding key construction issues - newsletters, fliers etc.
xiii. Locations and details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
xiv. The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
xv. Details of a scheme for the recycling/disposing of waste resulting from site clearance and construction works.

Reason: As this matter is fundamental in the interests of good site management, highway safety, and to protect the amenities of adjacent businesses and residents during construction works to accord with Policies 33 & 40 of the Horsham District Planning Framework (2015).

4 Pre-Commencement Condition: No development (including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site), shall commence until the following preliminaries have been completed in the sequence set out below:

- All hedgerows, trees and vegetation on the site shown for retention [in the Tree Constraints Plan, by Treescene, received 10/03/2022] as well as those off-site whose root protection areas ingress into the site, shall be fully protected throughout all construction works by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees or hedging plants of a type, size and in positions agreed by the Local Planning Authority.

Reason: As this matter is fundamental to ensure the successful and satisfactory protection of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 Regulatory Condition: The development hereby permitted shall be carried out in strict accordance with Flood Risk Technical Note [23-027-GOY], Submission to discharge Condition 5 - Drainage [23-030-I&L], drawing ref: D01 Proposed Drainage, drawing ref: 5017393-RDGXX-XX-DOC-C-9950 Part 1 of 4, Flood Risk Drainage Strategy - Part 1 of 4, drawing ref: 5017393-RDG-XX-XX-DOC-C-9950 Part 2 of 4Flood Risk Drainage Strategy - Part 2 of 4, drawing ref: 5017393-RDG-XX-XX-DOC-C-9950 Part 3 of 4 Flood Risk Drainage Strategy - Part 3 of 4, and drawing ref: 5017393-RDG-XX-XX-DOC-C-9950 Part 4 of 4 Flood Risk Drainage Strategy - Part 4 of 4. The Drainage Strategy shall be implemented prior to first occupation in accordance with the approved details and thereafter retained as such.

Reason: As this matter is fundamental to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

6 Regulatory Condition: The development hereby permitted shall be carried out in strict accordance with the approved Specification for an Archaeological Evaluation by Trial Trenching: Land Off Newbridge Road, Billingshurst, West Sussex and Archaeological Evaluation Report dated April 2024 [AAL 2024051].

Reason: This matter is fundamental as the site is of archaeological significance and it is important that it is recorded by excavation before it is destroyed by development in accordance with Policy 34 of the Horsham District Planning Framework (2015).

7 Regulatory Condition: The development hereby permitted shall be carried out in strict accordance with the approved Submission to discharge condition 7 - Contamination Risk Assessment, including Appendix A - Phase 1 & 2 Ground Investigation Report by Geo-Environmental dated March 2020. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

8 Regulatory Condition: The site levelling works shall be carried out in strict accordance with approved drawing ref: G00 Rev P4 Earthworks Cut and Fill Volumes prior to the commencement of development of any building within Phase 2.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9 Regulatory Condition: The development hereby permitted shall be implemented and retained in strict accordance with the approved Biodiversity Enhancement Strategy dated 19th April 2024 [16479_R02_MJ]. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: As these matters are fundamental to safeguard the ecology and biodiversity of the area in accordance with Policy 31 of the Horsham District Planning Framework (2015), and to

enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

10 Pre-Commencement (Slab Level) Condition: Not applicable

11 Pre-Occupation Condition: Prior to the first occupation or use of the development hereby permitted, a Marketing Report shall have been submitted to and approved in writing by the Local Planning Authority. The Marketing Report shall set out how the occupation of the units hereby approved have been marketed to existing or new businesses based within the Horsham District (local businesses). The minimum marketing period shall be as follows:
i. An initial period of 6 months from the date of grant of Planning Permission. During this period, no sales or letting shall be agreed with businesses other than local businesses.
ii. A subsequent period of 6 months (up to a period of 12 months from the grant of Planning Permission). During the subsequent period, no more than 50% of the unoccupied units shall be marketed for occupation to businesses based outside the Horsham District

Reason: To ensure the development promotes local economic growth in accordance with Policy 7 of the Horsham District Planning Framework (2015).

12 Regulatory Condition: The development hereby permitted shall be carried out and operated in strict accordance with the approved Noise Management Plan dated 17th September 2025.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Polices 33 and 40 of the Horsham District Planning Framework (2015).

13 Pre-Occupation Condition: Prior to the first occupation or use of the development hereby permitted, a Landscape and SuDS Management and Maintenance Plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all landscape areas and SuDS infrastructure (existing and proposed) shall have been submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policies 25, 31 and 33 of the Horsham District Planning Framework (2015).

14 Pre-Occupation Condition: Prior to the first occupation or use of the development hereby permitted, a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings shall be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the approved report.

Reason: To ensure a SuDS drainage system has been provided to an acceptable standard to the reduce risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance in accordance Policies 35 and 38 of the Horsham District Planning Framework (2015).

15 Pre-Occupation Condition: Prior to the first occupation or use of the development hereby

permitted, an Air Quality Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Air Quality Mitigation Scheme shall detail the measures to achieve a minimum environmental damage cost value of £25,435.73 and include (but not be limited to) the measures detailed in the Mitigation Section of the ACCON UK Air Quality Assessment v2 (18th December 2024). The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

16 Pre-Occupation Condition: Prior to the first occupation or use of the development hereby permitted, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority and shall include details to mitigate impacts on air quality as set out in the Council's latest Air Quality and Emissions Reduction Guidance document. The applicant shall use all reasonable endeavours to work with other businesses in the immediate area to co-ordinate the measures within the travel plan. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

Reason: To encourage and promote sustainable transport and mitigate the impacts of the development on air quality in accordance with Policies 35, 40 & 41 of the Horsham District Planning Framework (2015).

17 Pre-Occupation Condition: Prior to the first occupation or use of the development hereby permitted, full details of the proposed footpath link along the eastern boundary to the existing footbridge as shown on approved Proposed Block Site Plan reference [101 Rev B] shall have been submitted to and approved in writing by the Local Planning Authority. The footpath shall be implemented in accordance with the approved details prior to the first occupation (or use) of any part of the development and maintained as such thereafter.

Reason: To encourage and promote sustainable travel options to the site, and in the interests of visual amenity in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

18 Pre- Commencement Condition:
(a) No development shall commence until full details of the water efficiency measures and rainwater/greywater harvesting system required by the approved Water Neutrality Technical Note 's73 Water Credit Option' (prepared by SB Partnership, received 18.03.2025) have been submitted to and been approved in writing by the Local Planning authority. The submitted details shall include:

- The specification of the fittings and fixtures to be installed within each unit
- Details of the rainwater storage tank capacity to allow for a minimum of 35 days storage.
- Detail on the proposed rainwater treatment system and maintenance regime.
- Details of who is responsible for the management and maintenance of the rainwater
- system.
- Arrangements for keeping written records of all sampling, results of analysis, inspection, cleaning, and maintenance.

(b) No unit hereby permitted shall be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality

strategy for that unit has been implemented in full in accordance with the approved details. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates, and evidence of the installation and connection of the rainwater harvesting system and appropriate storage tanks to provide a minimum 35 days storage capacity. The installed measures shall be retained and operated as such at all times thereafter to an equivalent or better water performance standard.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

19 Post-Occupation Condition: Not applicable

20 Regulatory Condition: The approved fire hydrant shall be installed in accordance with drawing ref: 101 Rev B Proposed Block Site Plan and ready for use prior to the first use of the development hereby permitted and shall thereafter be retained as such.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

21 Regulatory Condition: Not applicable

22 Regulatory Condition: All works within the development hereby permitted shall be carried out in full accordance with the mitigation and enhancement measures and/or works contained within the Ecological Walkover Report [Tetra Tech, 784-B033054, dated 17 January 2022].

Reason: To conserve and enhance protected and priority species in accordance with the UK Habitats Regulations 2017, the Wildlife & Countryside Act 1981, s40 of the NERC Act 2006, and Policy 31 of the Horsham District Planning Framework (2015).

23 Regulatory Condition: To be removed by way of the appeal proposal

24 Regulatory Condition: No external lighting, other than low level lighting to emergency exits, shall be operated within the development site hereby permitted between the hours of 23:00 to 06:00 hours the following day on Mondays to Fridays, 23:00 to 07:00 hours the following day on Saturdays, and 20:00 to 06:00 hours the following day on Sundays and public holidays.

Reason: To safeguard the ecology and tranquillity of the countryside and amenities of adjacent occupiers in accordance with Policies 24, 25, 26 & 33 of the Horsham District Planning Framework (2015).

25 Regulatory Condition: No externally located plant or equipment within the development site hereby permitted 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 neighbouring residents and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

26 Regulatory Condition: Following first occupation of each unit within the development hereby approved, no mezzanine or additional floor levels (other than any already identified on the approved drawings listed in Condition 1) shall be constructed within any unit without express planning consent from the Local Planning Authority first being obtained.

Reason: To ensure the traffic generation form the site is sustainable having regard the car park facilities within the wider development to ensure no overspill parking into surrounding roads to accord with Policies 40 & 41 of the Horsham District Planning Framework (2015).

27 Regulatory Condition: No external storage of any materials or waste shall take place at any time within the development hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

28 Regulatory Condition: No works for the implementation of the development hereby permitted shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays, Bank or public Holidays.

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

29 Regulatory Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or reenacting that Order) no development falling within Classes F, G, H and J of Part 7 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of buildings within the development hereby permitted, without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity to protect the rural character of the area in accordance with Policies 25, 26, 27 & 33 of the Horsham District Planning Framework (2015).

30 Regulatory Condition: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), no change of use of the units within the development hereby permitted from the uses granted for that unit by this permission shall take place without express planning consent from the Local Planning Authority first being obtained.

Reason: To ensure the development remains in employment use in accordance with Policies 7 & 9 of the Horsham District Planning Framework (2015).

31 Regulatory Condition: No part of the building or the site shall be designated, equipped or used as a vehicle washing area without the prior written consent of the Local Planning Authority.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 179 and 180 of the National Planning Policy Framework (2021), its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).

32 Pre-Commencement Condition: No development shall commence until either:

i) Details have been submitted to and been approved in writing by the Local Planning Authority confirming that the necessary credits to achieve water neutrality have been secured via the Sussex North Offsetting Water Scheme;
or
ii) A site-specific water neutrality mitigation scheme has been submitted to and been approved in writing by the Local Planning Authority. The site-specific water neutrality mitigation scheme shall include full details of the means of any and all onsite and offsite mitigation and any necessary agreements pursuant to S106 of the Town and Country Planning Act 1990 to deliver and secure the approved mitigation; and
iii) The development shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority confirming that the approved site-specific water neutrality mitigation scheme has been fully implemented. The approved mitigation shall thereafter be retained, maintained and operated to the same or better water performance standard.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SAC/SPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), and to enable the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), and s40 of the NERC Act 2006 (Priority habitats & species).