



Mr Alex Moseley
White and Sons
3 Massetts Road
Horley
Surrey
RH6 7PR

Application Number: DC/26/0744

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

On behalf of: Mr S Smith

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the following development, that is to say:

Removal of Conditions 31 and 47 of previously approved application DC/25/1251 (Variation of condition 1 of previously approved application reference DC/21/2697 (Erection of 32No. residential dwellings including 35% affordable housing, 6No. commercial units and 1No. reception building. Creation of access and circulation routes, parking, hard and soft landscaping together with a sustainable drainage system) to amend the approved plans to enable the retention of the existing building with associated alterations to provide 3 commercial units as opposed to reconstructing it and revised cladding to units C4-C6) relating to water neutrality.

Land at Sumners Pond, Chapel Road, Barns Green, West Sussex

to be carried out in accordance with Application No. DC/26/0744 submitted to the Council on 18/05/2026 and subject to compliance with the plans/documents and conditions specified hereunder.

Emma Parkes
Head of Development and Building Control

Date: 11/08/2026

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

Schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Details Plan	Swales and ponds	ECE1176-20	11.09.2022
Elevation & Floor plan	Proposed plot 27 and 28	PL-022 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 29 and 30	PL-023 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 31 and 32	PL-024 REV B	02.12.2021

Elevation & Floor plan	Proposed garages and car barns	PL025 REV A	02.12.2021
Elevation & Floor plan	Proposed flats	PL-026 REV B	02.12.2021
Floor plan	Proposed commercial units	PL-027 REV A	02.12.2021
Elevation & Floor plan	Proposed reception unit section	PL-029 REV A	02.12.2021
Layout plan	Proposed street scenes	PL-044 REV A	02.12.2021
Layout plan	Proposed street scenes	PL-045 REV A	02.12.2021
Layout plan	Proposed street scenes	PL-046 REV A	02.12.2021
Layout plan	Landscape Masterplan/Planting schedule	ECE1176-10 REV C	11.09.2022
Floor plan	Ground	006	02.12.2021
Floor plan	Ground	007	02.12.2021
Floor plan	Ground	008	02.12.2021
Floor plan	Ground	009	02.12.2021
Floor plan	Ground	010	02.12.2021
Floor plan	First	011	02.12.2021
Elevation plan	Section	012	02.12.2021
Elevation plan		013	02.12.2021
Elevation plan		014	02.12.2021
Elevation plan		015	02.12.2021
Section plan		016	02.12.2021
Site plan	Proposed	001 REV Q	13.10.2022
Location plan		LOC01 REV A	02.12.2021
Materials	Proposed	007	02.12.2021
Site Plan	Proposed	009 REV A	02.12.2021
Elevation & Floor plan	Proposed plot 1	PL-010 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 7	PL-014 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 2	PL-011 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 3 and 4	PL-012 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 5 and 6	PL-013 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 8	PL-015 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 9 and 10	PL-016 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 11	PL-017 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 12	PL-018 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 13 and 14	PL-019 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 20-24	PL-020 REV B	02.12.2021
Elevation & Floor plan	Proposed plot 25 and 26	PL-021 REV B	02.12.2021
Details plan	Access details	GA-007 REV D	02.12.2021
Details plan	Swept path	GA-017	27.06.2022
Layout plan	Phasing plan	PL050 REV B	15.11.2022
Elevation plan	Proposed Commercial	PL-028 REV B	25.07.2025
Site plan	Proposed	WS001 REV U	25.07.2025
Plans	Proposed Parking	004 REV A	25.07.2025
Plans	Proposed Tenure	005 REV A	25.07.2025
Plans	Proposed Storey Heights	006 REV A	25.07.2025

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

2 N/A

3 **Regulation Condition:** The site-wide development shall strictly accord with the detailed Construction Environmental Management Plan (Construction Transport Management Plan Rev B dated 05/04/2024) as approved under DISC/24/0137 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of nearby occupiers and highway safety during construction and in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

4 **Regulatory Condition:** The site-wide development shall strictly accord with the detailed Archaeological Evaluation report JAC28951, ASE Report No: 2023127 dated June 2023

(received 09.10.2023) as approved under DISC/23/0218 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: As 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).

- 5 **Regulatory Condition:** The development in respect of Phase B (residential parcel) shall strictly accord with the detailed external ground levels and the proposed finished floor levels, (drawing number 23-020-101 Rev B - Engineering Layout) as approved under DISC/23/0279 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

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).

- 6 **Regulatory Condition:** The development in respect of Phase B (residential parcel) shall strictly accord with the detailed underground services / tree plans and supporting statement as follows and as approved under DISC/23/0263 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority:

- Supporting Statement Existing Services REV A dated 05.03.2024
- Scottish and Southern Dig Sites dated 07.12.2023
- Openreach - Plant Information Reply dated 07.12.2023
- Southern Water - Clean Water Plan dated 07.12.2023
- Telecoms Plan dated 07.21.2023
- Southern Water Wastewater Plan dated 07.12.2023
- Manhole Information Chart dated 07.12.2023
- SGN - Overview Map of Worksite dated 07.12.2023
- Scottish and Southern - Overview Map of Worksite dated 07.12.2023
- Tree plan - 001 101 REV C dated 07.21.2023

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement Condition:** Phases A and C of the development hereby approved shall not commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries in relation to that phase have been completed in the sequence set out below:

- All trees on the site shown for retention on approved drawing number [insert number], 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).

- 8 **Pre-Commencement Condition:** The development in respect of Phase B (residential parcel) shall strictly accord with the following detailed plans and documents relating to soil importations as approved under the following discharge of conditions applications, unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority:

DISC/24/0066

. The Phase III Investigation Report dated the 05.04.2024; the Landscape Specification dated 05.04.2024 and the Planning Statement Rev A dated 20.06.2024 (in respect of the land north of PROW ITC/1604/1 only)

and

DISC/24/0293

. Phase III Investigation Report dated 25.11.2024

. Addendum Site Investigation dated 18 Nov 24 dated 25.11.2024

. Phasing Plan dated 25.11.2024

. Landscape Specification 25.11.2024

. The LEAP Environmental Remediation Method Statement Issue 3, dated 19.12.24; Phasing Plan - Residential and Commercial Scheme for land within Phase B to the south of the PROW / main access road.

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).

- 9 **Regulatory Condition:** The site-wide development shall strictly accord with the detailed CEMP: Biodiversity details approved under DISC/23/0278 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species), the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991 and Policy 31 of the Horsham District Planning Framework.

- 10 **Regulatory Condition:** The development in respect of Phase B (residential parcel) shall strictly accord with the detailed drainage strategy detailing the proposed means of foul and surface water disposal as approved under DISC/23/0230 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The development in respect of Phase B (residential parcel) shall strictly accord with the detailed surface water drainage scheme and Surface Water Drainage Statement in accordance with the following plans and documents as approved under DISC/23/0230 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority:

- S38 Road Drainage Summary dated 05.02.2024
- SW Northern System Summary dated 05.02.2024
- SW Southern System Summary dated 05.02.2024
- Section 38 Drainage 23-020-054 dated 25.10.2023

- Drainage Layout - Sheet 1 23-020-201 REV C dated 05.02.2024
- Drainage Layout - Sheet 2 23-020-202 REV A dated 05.02.2024
- Manhole Schedules 23-020-203 REV C dated 05.02.2024
- Surface Water Model Catchments 23-020-205 REV B dated 05.02.2024
- Exceedance Routes Layout 23-020-210 REV B dated 05.02.2024
- External Works Layout 23-020-301 REV C dated 05.02.2024
- Drainage Construction Details - Sheet 1 23-020-501 dated 05.02.2024
- Drainage Construction Details - Sheet 2 23-020-502 REV A dated 05.02.2024
- Drainage Construction Details - Sheet 3 23-020-503 REV B 05.02.2024
- Highway Construction Details 23-020-505 REV C dated 05.02.2024
- Flood Risk Management (by Odyssey - dated 2 Feb 2024) AK/ak24026/23-020 dated 05.02.2024

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).

- 12 **Regulatory Condition:** The development in respect of Phase B (residential parcel) shall strictly accord with the following plans / documents as approved under the following Discharge of Conditions applications, unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority:

DISC/23/0218:

. The detailed Phase I & II Site Investigation Report (3x docs) LP3019 dated 09.10.2023; Phase III Investigation Report LP3444 dated 22.12.2023 and the LEAP Environmental-Addendum Investigation dated 10.06.2024 - Northern Area; and the Remediation Method Statement LP3662/RMS/North dated the 19.06.2024 in respect of the land north of PROW ITC/1604/1 only.

and

DISC/24/0293:

. Phase III Investigation Report dated 25.11.2024
 . Addendum Site Investigation dated 18 Nov 24 dated 25.11.2024
 . Phasing Plan dated 25.11.2024
 . Landscape Specification 25.11.2024
 . The LEAP Environmental Remediation Method Statement Issue 3, dated 19.12.24; Phasing Plan - Residential and Commercial Scheme for land within Phase B to the south of the PROW / main access road.

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).

- 13 **Regulatory Condition:** The development shall strictly accord with the detailed Biodiversity Enhancements Strategy dated January 2024 (Issue 1), as approved under DISC/24/0177 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: 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) and in accordance with Policy 2 of the Barns Green & Itchingfield Neighbourhood Plan (2025).

- 14 **Regulatory Condition:** The development in respect of Phase B (residential parcel) shall strictly accord with the detailed Landscape and Ecological Management Plan (LEMP) (dated December 2023), as approved under DISC/24/0177 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy 2 of the Barns Green & Itchingfield Neighbourhood Plan (2025).

- 15 **Regulatory Condition:** The development in respect of Phase B (residential parcel) shall strictly accord with the detailed Materials Schedule Rev D (dated 20/02/2024) subject to use of a machine made double camber clay tile, and use of Sandtoft Wienerberger Humber Plain Tile - Colour 'Flanders' in respect of the roof tile and vertical tile hanging as approved under DISC/24/0004. All materials used in the construction of the development hereby permitted in Phase B shall conform to those approved unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 9 and 12 of the Barns Green & Itchingfield Neighbourhood Plan (2025).

- 16 **Pre-Occupation Condition:** No internally and/or externally located plant, machinery equipment or building services plant shall be operated until an assessment of the acoustic impact arising from the operation of all such equipment has been undertaken and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken in accordance with BS 4142:2014 and shall include a scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment and ensure the rating level of noise emitted from the proposed building services plant is no greater than background levels. The scheme as approved by the Local Planning Authority shall be fully installed prior to first operation of the plant and shall be retained as such thereafter.

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

- 17 **Pre-Occupation Condition:** No part of any phase of the development hereby permitted shall be occupied until a scheme for the provision of electrical vehicle charging points for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed prior to first occupation of the development and shall thereafter remain as such.

Reason: To provide electric vehicle car charging space for the use in accordance with Policies 35 and 41 of the Horsham District Planning Framework (2015) and the WSCC Parking Standards (2019) and in accordance with Policy 13 of the Barns Green and Itchingfield Neighbourhood Plan (2025).

- 18 **Regulatory Condition:** The development in respect of Phase B (residential parcel) shall strictly accord with the detailed hard and soft landscape details as approved under DISC/25/0395 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 1 of the Barns Green & Itchingfield Neighbourhood Plan (2025).

- 19 **Regulatory Condition:** The development in respect of Phase B (residential parcel) shall strictly accord with the landscape management and maintenance plan as approved under DISC/25/0395 unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 1 of the Barns Green & Itchingfield Neighbourhood Plan (2025).

- 20 **Pre-Occupation Condition:** The commercial units and reception building shall not be brought into first use until details for the storage of refuse and recycling for that commercial unit or reception building have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall implemented prior to first occupation and shall thereafter be retained for use at all times.

No dwelling hereby permitted shall be occupied until provision for the storage of refuse and recycling for that dwelling has been provided within the garage or side or rear garden of that dwelling. The flat block shall not be occupied until the refuse and recycling facilities detailed on the approved plans have been installed. The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 21 **Pre-Occupation Condition:** No dwelling, commercial unit or reception building shall be first occupied until the parking, turning and access facilities necessary to serve that dwelling/unit/building have been implemented in accordance with the approved details as shown on plan 6991 001 Rev Q received on 13 October 2022 and plan ITB16480 GA 007 Rev D received on 1 September 2022. The parking, turning and access facilities shall be thereafter retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015) and Policy 9 and 15 of the Barns Green & Itchingfield Neighbourhood Plan (2025).

- 22 **Pre-Occupation Condition:** The commercial units and reception building shall not be first occupied until details for the secure and covered cycle parking to serve that commercial unit or reception building have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall implemented prior to first occupation and shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 23 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied until secure and covered cycle parking for that dwelling has been provided within the garage or side or rear garden of that dwelling. The flat block shall not be occupied until the refuse and recycling facilities detailed on the approved plans have been installed. The facilities shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 24 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a verification report demonstrating that the SuDS drainage system has been constructed in accordance with the approved design drawings has been 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).

- 25 **Pre-Occupation Condition:** No part of the commercial development hereby permitted shall be brought into first use until a Delivery, Collection & Service Management Plan, (for each commercial unit) which includes details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries has been submitted to and approved in writing by the Local Planning Authority. All deliveries and collections shall thereafter be carried out in accordance with the approved plan.

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

- 26 **Pre-Occupation Condition:** No part of the commercial development hereby permitted shall be brought into first use until a Noise Management Plan for the commercial units 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 implemented and complied with thereafter for the duration of the use/development.

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

- 27 **Pre-Occupation Condition:** No part of any phase of the development hereby permitted shall be occupied until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) for that phase has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply 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).

- 28 **Pre-Occupation Condition:** No part of any phase of the development hereby permitted shall be occupied or brought into first use until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection for that phase has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 29 **Pre-Occupation Condition:** With the exception of the northern parcel (Plots 1-20 and swale/communal landscape zones) of the development site which has had verification agreed under DISC/26/0090, no phase of the development hereby permitted shall be occupied/brought into use until there has been submitted to the Local Planning Authority

verification that the remediation scheme required and approved under the provisions of condition 12 has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 12, unless otherwise agreed in writing by 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).

- 30 **Pre-Occupation Condition:** No residential dwelling hereby approved shall be first occupied until evidence has been submitted to the Council in writing that the water saving measures identified in Section 2 of the Water Neutrality Statement for that dwelling have been fully implemented. The evidence shall include the specifications and photographs of the installed measures and a water calculation as per that provided in the Water Neutrality Statement detailing the resultant surveyed water consumption performance. The installed water saving measures shall be retained to the same or improved water performance standard thereafter.

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), 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).

- 31 N/A

- 32 **Regulatory Condition:** No works for the implementation of the development hereby approved 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).

- 33 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement (Tree Survey and Arboricultural Impact Assessment dated February 2021 and updated October 2021).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015) and Policy 1 of the Barns Green & Itchingfield Neighbourhood Plan (2025).

- 34 **Regulatory Condition:** The development hereby permitted shall be undertaken in strict accordance with the ecological mitigation and enhancement measures set out in the Ecological Mitigation and Enhancement Plan (Environmental Assessment Services Ltd - 409D/LG/ECE/SumnersPonds/EMP - September 2021).

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), and in accordance with Policy 2 of the Barns Green & Itchingfield Neighbourhood Plan (2025).

- 35 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority

detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: 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).

- 36 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or the Town and Country Planning (Use Classes) Order 1987 (as amended), or Orders amending or revoking and re-enacting the same, the industrial / commercial units hereby approved shall only be used for purposes falling within use Class E (c) (i) (ii) (iii) and (d) (e) (f) and (g) (i) (ii) (iii) only, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to the proximity to neighbouring properties and the economic benefit the approved use provides under Policies 12, 13 and 33 of the Horsham District Planning Framework (2015).

- 37 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no gate, fence, wall or other means of enclosure shall be erected or constructed in front of the forward most part of any proposed building which fronts onto a highway without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the character and visual amenities of the locality and/or highway safety and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 38 **Regulatory Condition:** The garage(s) hereby permitted shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety, and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 39 **Regulatory Condition:** No part of the development hereby permitted shall be occupied until the Applicant has implemented the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 40 **Regulatory Condition:** No externally located plant or equipment 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 the nearby residential dwellings adjacent to the commercial units and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 41 **Regulatory Condition:** No external storage of any materials or waste shall take place at any time.
- Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).
- 42 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.
- Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 43 **Regulatory Condition:** All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Letter (Batscan Ltd., October 2022), the Great Crested Newt, Dormice and Reptile Surveys (Matthes, November 2021) and the Landscape Masterplan (Lvia Ltd., June 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and Policy 31 of the Horsham Development Framework.
- 44 **Regulatory Condition:** The Class E premises shall not be operated, no process carried out, and shall not be open for trade or business except between the hours of 0800 hours and 1800 hours on Mondays to Fridays inclusive, 0900 hours and 1300 hours on Saturdays, and not on Sundays and Bank and Public Holidays.
- Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 45 **Regulatory Condition:** No vehicles, plant or machinery shall be operated and no process carried out and no deliveries taken or dispatched from the site outside the following times:- 0800 hours and 1800 hours on Mondays to Fridays inclusive, 0900 hours and 1300 hours on Saturdays, and not on Sundays and Bank and Public Holidays.
- Reason: In the interests of amenity and in accordance with policy 33 of the Horsham District Planning Framework 2015.
- 46 **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), the commercial premises hereby permitted shall not be altered or extended without express planning consent from the Local Planning Authority first being obtained.
- 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).
- 47 N/A

- 48 **Regulatory Condition:** The development hereby permitted shall be carried out in accordance with the phasing plan received on PL050B received on 15 November 2022.

Reason: To enable a phased delivery of the development to comply with Policy 33 of the Horsham District Planning Framework (2015).

- 49 **Pre-Commencement Condition:** No works to Phase A (Car Park) or Phase C (commercial) of the development hereby approved shall commence until precise details (to include details shown on a plan) of the existing and proposed finished floor levels and external ground levels of that phase of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

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).

- 50 **Pre-Commencement Condition:** No works to Phase A (Car Park) or Phase C (commercial) of the development hereby approved shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations for that phase, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the landscaping proposals and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory landscaping in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 51 **Pre-Commencement Condition:** No soils within Phase A (Car Park) or Phase C (commercial) shall be imported or re-used within each phase of the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation (or use) of any part of the development hereby permitted within that phase, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by 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).

- 52 **Pre-Commencement Condition:** No development to Phase A (Car Park) or Phase C (commercial) shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 53 **Pre-Commencement Condition:** No development to Phase A (Car Park) or Phase C (commercial) shall commence until a detailed surface water drainage scheme including a Surface Water Drainage Statement, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been

submitted to and approved in writing by the Local Planning Authority. The submitted details shall be fully coordinated with the landscape scheme. The development shall subsequently 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).

54 **Pre-Commencement Condition:** With the exception of the demolition and removal of existing buildings and any concrete hardstanding, no development to Phase A (Car Park) or Phase C (commercial) shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A pre-demolition preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (c) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.

The scheme shall be implemented as approved. 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).

55 **Pre-Commencement (Slab Level) Condition:** Notwithstanding the details shown on plan Proposed Commercial Units - Elevations & Sections, PL-028 Rev B, no development to Phase A (Car Park) or Phase C (commercial) shall commence above ground floor slab level shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) within that phase has been submitted to and approved by the Local Planning Authority in writing. All materials used in the construction of the development hereby permitted shall conform to those approved, and shall show accordance with the expectations of DC/21/2697.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 9 and 12 of the Barns Green & Itchingfield Neighbourhood Plan (2025).

56 **Pre-Occupation Condition:** No part of Phase A (Car Park) or Phase C (commercial) hereby permitted shall be brought into first use until full details of all hard and soft landscaping works for that phase have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all existing trees and planting to be retained
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details

- Details of all hard surfacing materials and finishes
 - Details of all boundary treatments including boundary walls and fences
 - Details of all external lighting (including Wildlife Friendly Lighting Strategy as advised)
- Details should also include retained historic landscape features and proposals for restoration where relevant.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development. Any proposed or retained planting, which within a period of 5 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 1 and 9 of the Barns Green & Itchingfield Neighbourhood Plan (2025).

- 57 **Pre-Occupation Condition:** No part of Phase A (Car Park) or Phase C (commercial) hereby permitted shall be brought into first use until a landscape 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 communal landscape areas within that phase has 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 Policy 33 of the Horsham District Planning Framework (2015), and Policy 1 and 9 of the Barns Green & Itchingfield Neighbourhood Plan (2025).

Note to Applicant – Community Infrastructure Levy (CIL):

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

If you have not received a Liability Notice from the Council within 1 month of the decision date please contact the CIL Team at cil@horsham.gov.uk.

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

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.

ADDITIONAL INFORMATION

Planning Permission – Important Provisos

If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It is the responsibility of the developer to provide bins for the development. If you are a developer and need to purchase bins, please email hop.oast.admin@horsham.gov.uk.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

Compliance with the Approved Plans and Conditions

The development hereby approved must be implemented in accordance with the approved plans and any conditions set out in the Notice. Some of the conditions may specify that works are to be carried out, and/or details submitted and approved before all or part of the development is started. These will appear in the 'Pre-Commencement Conditions' section of the Notice.

If works on implementing this permission is started without these requirements being fully met, the development may be unauthorised and the permission invalidated, and could lead to enforcement proceedings or in some cases to prosecution.

Amendments

Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring

Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Conditions Compliance

Requests for confirmation of compliance with conditions associated with that permission should be made in writing or by using the application form 'Approval of Details Reserved by Conditions'.

A request may be for confirmation that one or more conditions imposed on the same permission have been complied with. We aim to respond within 8 weeks of receipt of the request.

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>.