Horsham District Council

Mr Nikolas Antoniou
NJA Town Planning Ltd
The Beehive
City Place
Gatwick
RH6 0PA

Merryhill Storrington Road Thakeham West Sussex
Erection of barn for use by Merryhill Mushrooms business, acoustic fencing and alterations to driveway.

Your application DC/25/0944 has now been determined and I enclose the decision notice. The decision notice contains important information. Please take a moment to read it as further action may be required.

Conditions
Before you start work, information must be submitted for any conditions that require discharge before development can begin. The decision notice will set out what information need to be sent.

Biodiversity Net Gain Condition
Please note the requirement within the Environment Act 2021 for development to deliver a minimum of 10% net gain in biodiversity may be applicable to your development. In the event your development is required to achieve a minimum 10% net gain in biodiversity then a Biodiversity Net Gain Condition (separate to the main list of conditions) will appear on your decision notice requiring the submission of a Biodiversity Gain Plan for approval prior to development commencing.

Failure to discharge conditions before commencing development could result in the development being unlawful or enforcement action being taken. You can notify us of your intention to initiate development by completing a pre-commencement notification which will help us to monitor your development. There is no fee to use this service. To do this, or for further information about discharging planning conditions, visit us online at horsham.gov.uk/planning/discharging-a-planning-condition

Community Infrastructure Levy (CIL)
If this development is CIL liable, the requirements of CIL must be met before you start work. Failure to do so could result in additional financial penalties. For further information relating to CIL visit horsham.gov.uk/planning/planning-policy/community-infrastructure-levy/cil-charges-and-how-to-pay

If you have any questions about the decision notice, you can call us and speak to a member of the team on 01403 215187 between 9AM - 5PM, Monday to Friday.

If you are acting as the planning agent for this application, please ensure that the applicant is given a copy of the decision notice and this letter.

Yours Sincerely,
Development Management

Horsham District Council

Mr Nikolas Antoniou
NJA Town Planning Ltd
The Beehive
City Place
Gatwick
RH6 0PA

Application Number: DC/25/0944

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

On behalf of: Mr K Rucklidge

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:

Erection of barn for use by Merryhill Mushrooms business, acoustic fencing and alterations to driveway.

Merryhill Storrington Road Thakeham West Sussex

to be carried out in accordance with Application No. DC/25/0944 submitted to the Council on 25/06/2025 and subject to compliance with the plans/documents and conditions specified hereunder.

Emma Parkes
Head of Development and Building Control

Date: 04/11/2025

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
Location & Block plan		DE1223/01 REV P5	30.09.2025
Site plan	Existing	DE1223/02 REV P2	05.06.2025
Floor plan	Proposed	DE1223/04 REV P2	05.06.2025
Elevation plan	Proposed	DE1223/05 REV P2	05.06.2025
Site plan	Proposed	DE1223/06 REV P2	14.08.2025
Plans	Existing and Proposed Driveway	DE1223/07 REV P1	05.06.2025
Plans	Existing and Proposed Visualisations	DE1223/08 REV P1	05.06.2025

Supporting Statement	Arboricultural	AIA/AMS 06647/2025 0.2	05.06.2025
Supporting Statement	Business Information	NONE	05.06.2025
Design & Access Statement		NONE	05.06.2025
Tree plan	Protection	NONE	05.06.2025
Supporting Statement	Preliminary Ecological Appraisal	C-NJA-019-002-001	05.06.2025
Supporting Statement	Existing Fittings Survey	C3638	05.06.2025
Supporting Statement	Water Neutrality	C3638 REV P1	05.06.2025
Supporting Docs	Cover Letter	NONE	05.06.2025
Details plan	Acoustic Fencing Details	J7/01166	14.08.2025

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

2 **Standard Time Condition**: The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

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

i. All trees on the site shown for retention on approved drawing number Tree Protection Plan BS:5837, 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).

ii. 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. Before any work begins on site, the person(s) responsible for supervising the works must meet the Arboricultural Officer of the Local Planning Authority, on site, so the Arboriculturist Officer can supervise that the tree protection measures have been installed in accordance with the approved drawing number Tree Protection Plan BS:5837.

iii. 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.

iv. Before any work begins on site, the person(s) responsible for supervising the works must meet the Arboricultural Officer of the Local Planning Authority, on site, so the Arboriculturist Officer can supervise that the tree protection measures have been installed in accordance with the approved drawing number Tree Protection Plan BS:5837 All works shall be carried out in strict 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).

4 **Pre-Installation Condition**: No external plant/machinery (if required) shall be installed until a plan detailing the location, type, and specification of any proposed external plant/machinery (including but not limited to refrigeration and air conditioning units) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To ensure that any external plant or lighting does not result in unacceptable harm to the visual amenity of the area or the residential amenity of nearby occupiers and to ensure compliance with Policy 33 of the Horsham District Planning Framework (2015).

5 **Pre-Commencement (Slab Level) Condition**: A Biodiversity Enhancement Layout for the biodiversity enhancements listed in the Preliminary Ecological Appraisal (Arun Ecology, May 2025) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:
a) detailed designs or product descriptions for biodiversity enhancements; and
b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

6 **Pre-Occupation Condition**: The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Water Neutrality Statement received on 08.05.2025). The development hereby permitted shall not 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 has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates. The installed measures shall be retained and operated as such at all times thereafter.

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 193 and 194 of the National Planning Policy Framework (2024), and to allow 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).

7 **Pre-Occupation Condition**: Prior to the first use of the development hereby permitted taking place, the proposed acoustic fencing shall be installed on the shared southern boundary of the site with Littlebury Lodge and Littlebury House in accordance with plan J7/01166 (received 13.08.2025), and shall remain in situ until otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: In the interest of neighbouring amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

8 **Regulatory Condition**: All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arun Ecology, May 2025), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for mobile protected species in Sections 6.4.6 and 6.4.7 of the Preliminary Ecological Appraisal (Arun Ecology, May 2025), which avoids impacts to protected species.

This will 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 protected and Priority species and allow the Local Planning Authority 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 (as amended).

9 **Regulatory Condition**: All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement BS:5837 Arboricultural Report, AIA/AMS 06647/2025 0.2, 05.06.2025.

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).

10 **Regulatory Condition**: No additional 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).

11 **Regulatory Condition**: The building hereby permitted shall be used only to facilitate the continued commercial operations of Merryhill Mushrooms (in connection with the dwellings known as Merryhill and Merryhill Cottage) only, and for no other purpose (including any other purpose in any class the schedule to the Town and Country Planning (Use Classes) Order 2020), unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order 2015 are not considered appropriate in this case under policy 10 of the Horsham District Planning Framework (2015).

12 **Regulatory Condition**: The use of the building hereby permitted shall be restricted to the storage, packing, and dispatch of products sold exclusively via online sales channels. The premises shall not be used for retail sales to visiting members of the public, nor shall any customer visits take place in connection with the commercial use of the building.

Reason: To ensure the commercial operations remain low-impact, do not generate unacceptable levels of vehicular traffic, and do not cause demonstrable harm to the character and amenity of this rural location, in accordance with the submitted supporting statements and the requirements of Policies 10 and 26 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition**: No deliveries to or from the site shall occur except during the following times:

- Monday to Friday: 0900 to 1730
- Saturday: 0900 to 1500
- No operations on Sundays, Bank Holidays, or Public Holidays.

Reason: To protect amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Note to Applicant: Vehicle Crossover - Minor Highway Works
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted because the highway license process considers wider factors than are considered by the Highway Authority at planning stage.

Additional information about the licence application process can be found at the following web page:

https://www.westsussex.gov.uk/roads-and-travel/highway-network-permits-and-licences/highway-licences/west-sussex-county-council-licences/dropped-kerbs-or-vehicle-crossovers-for-driveways/

Note to Applicant: Biodiversity Net Gain Condition
Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link: Submit a biodiversity gain plan - GOV.UK (www.gov.uk).

Statutory exemptions and transitional arrangements
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at https://www.gov.uk/guidance/biodiversity-net-gain.

Irreplaceable habitat
If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

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.

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.

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.