



Applications & Appeals Services
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FAO Shazia Penne
Horsham District Council
Albery House
Springfield Road
Horsham
RH12 2GB

NJA Ref: 23/273

5 May 2026

S73 VARIATION OF CONDITION APPLICATION

Dear Ms Penne

Applicant: Mr K Rucklidge
Proposal: Variation of Condition 3 relating to DC/25/0944 to previously approved application DC/25/0944 to permit the installation of services via trenching
Site: Merryhill Mushrooms, Merryhill, Storrington Road, Thakeham, RH20 3ED.

On behalf of the Applicant the above application has been submitted electronically. The application comprises the following documents together with the planning application fee which has been paid separately:

- Application form with Certificate B
- CIL Form 1
- Decision Notice DC/25/0944 (For Information)
- Arboricultural Report Addendum (April 2026) – Duckworths Arboriculture Ltd
- Tree Protection Plan BS:5837

In November 2025, Horsham District Council granted planning permission (DC/25/0944) for the erection of a barn for use by Merryhill Mushrooms including acoustic fencing and alterations to the driveway, subject to conditions.

This S73 application is to vary Condition 3 to allow for the installation of a new service run to serve the approved barn. The service route has been designed in consultation with Duckworths Arboriculture Ltd to avoid significant harm to a high-quality Category A Oak located at the front of the site. In order to achieve this, two low-quality Category C trees are proposed for removal.

The two trees to be removed, an Oak and Sycamore are set back from the highway with limited view and both trees have defects present and are classified as C1/2 being unremarkable, of limited merit or of poorer condition. The loss of these two trees has been offset and more than compensated by the Applicant's recent planting of trees including 5no., Yew trees, 2no. Field Maples and 2no. Flowering Cherry Trees.

Condition 3 of the planning permission is as follows:

(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).

Full justification for supporting this variation of condition application is set out in the Duckworths Arboriculture Ltd report and TPP submitted as part of this application.

I trust the enclosed documents are in order. I look forward to receiving confirmation that the planning application has been validated.

In the meantime however, please do not hesitate to contact me should you require any further information.

Yours faithfully



Nikolas J. Antoniou
BSc HONS DIPTP MRTPI
Chartered Town Planner
For and on behalf of NJA Town Planning Limited