Planning Inspectorate

Appeal Decision

Site visit made on 10 December 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th January 2026

Appeal Ref: APP/Z3825/W/25/3373279
Land parcel at 507911 125837, Newbridge Road, Billingshurst, West Sussex RH14 9HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by HE4 UK Enterprises 17 GP Limited against the decision of Horsham District Council.
- The application Ref DC/24/1571 was approved on 20 June 2025 and planning permission was granted subject to conditions.
- The development permitted is *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*.
- The condition in dispute is No 23 which states:
  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.
- The reason given for the condition is:
  To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Decision

1. The appeal is allowed and planning permission is granted for 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 at Land parcel at 507911 125837, Newbridge Road, Billingshurst, West Sussex RH14 9HY in accordance with the terms of the application, Ref DC/24/1571, subject to the conditions in the attached schedule.

Preliminary Matters

2. Outline planning permission was originally granted under Ref DC/22/0518 for the development described in the banner heading, and subsequently varied by permission Ref DC/24/1571 to amend the wording of Condition 23. For clarity, I have used the original description of development in the banner heading and decision.

Main Issue

3. The outline planning permission granted under Ref DC/22/0518 was subject to a number of conditions, including No 23 which limited operations to the hours of 06:00 to 23:00 Mondays to Saturdays and 07:00 -20:00 on Sundays and public holidays. The reason for the condition was to safeguard the tranquillity of the countryside and amenities of neighbouring properties.

4. Under Ref DC/24/1571, the appellant sought to vary Condition 23 to allow deliveries and dispatches outside the specified hours of operation to all the units. The Council varied the condition to allow deliveries and dispatches outside the specified hours of operation to units 5-9 only. The reason for the amended condition was to safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework November 2015 (HDPF).

5. The main issue is the effect on the living conditions of existing residents of varying the condition to allow deliveries and dispatches outside the specified hours of operation to units 1-4 as well as units 5-9, having particular regard to noise.

Reasons

6. In order to secure anchor occupants to facilitate the build-out of the proposal, the appellant has indicated that 24 hour operation is required. Although the precise use to which the employment space would be put and the identity of the operators has not been confirmed, the Council has indicated that it wants new and fit-for-purpose commercial/employment floorspace to come forward such as that which has planning permission on the site.

7. The site is situated between the A272 and A29, with housing located on the opposite side of the A29. The A29 passes through a cutting at this point and consequently does not screen the appeal site from the nearest houses in Pond Close, Platts Meadow and Larks View. The approved plans[1] show units 1-4 located closest to the houses and facing away from the affected houses, thereby screening the service yards of all the units from the upper floor windows of the houses.

8. The Council's concern is that vehicles accessing units 1-4 would disturb the closest residents at night as a result of activities associated with loading, unloading and manoeuvring. Although reference has been made to the Council undertaking its own noise monitoring, I have not been supplied with noise monitoring data by the Council. The appellant has undertaken noise monitoring which indicates that the predicted noise levels of heavy good vehicle (HGV) movements associated with the units would be significantly below existing night time noise levels on the A29. As a consequence, night time noise levels would be below the threshold at which a nuisance would be caused to residents.

9. The noise monitoring indicates that the majority of vehicles currently using the A29 at night are not HGVs, and the Council has raised a concern that increased HGV movements at the site would alter the character of night time noise. However, the appellant has explained that it is the frequency of traffic movements and the

[1] LPA reference DC/24/1989

resultant noise generated, rather than the type of vehicle, which determines whether a nuisance would be caused.

10. The Council has pointed out that night time traffic levels rise significantly after 5am rather than being constant throughout the night. Since the noise produced by HGVs manoeuvring at the site has been shown to be significantly lower than the noise generated by traffic using the A29, residents would not suffer sleep disturbance even when night time traffic levels are at their lowest.

11. The proposal would increase the number of vehicles using the site's access road at night. Approval has already been granted for units 5-9 to operate at night, with the approved plans showing units 5-9 being substantially larger than units 1-4 and capable of being serviced by large HGVs. Units 1-4 in contrast are smaller and designed only to accommodate 7.5 tonne vehicles, meaning that most vehicles servicing them are likely to be vans. Consequently, the night time noise associated with vehicles accessing units 1-4 would be modest compared with the noise generated by vehicles accessing units 5-9.

12. The appellant initially undertook noise monitoring in support of a planning application[2] which was submitted prior to the pandemic. Traffic levels on the A29 are now lower than pre-pandemic levels. The Council considers that as a result, the movements generated by the development would result in a proportionately greater increase in night time noise, compared with the pre-pandemic scenario. However, the appellant's calculations show that the comparative difference in noise levels would be only just perceptible to residents, and thus insufficient to cause a nuisance.

13. Planning Practice Guidance (the PPG) states that in taking account of the acoustic environment, decision makers should have regard to whether or not an adverse effect is likely to occur, and whether or not a good standard of amenity can be achieved. The weight of the evidence before me indicates that the proposal would not have an adverse effect on local residents at night time. The range of measures put in place by the appellant, including an operational noise management plan, would ensure an appropriate standard of amenity for nearby residents.

14. I therefore conclude that varying the condition to allow deliveries and dispatches outside the specified hours of operation to all units would not harm the living conditions of existing residents, having particular regard to noise. The proposal would accord with Policy 33 of the HDPF, which requires developments to be designed to avoid unacceptable harm to the amenity of nearby occupiers, such as through noise.

Conditions

15. The PPG makes clear that decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier permissions that continue to have effect. The Council has provided a list of suggested conditions which reflect those imposed on planning permission DC/24/1571. I have reviewed these conditions and agree that they are still relevant. For ease of cross referencing, I have retained the same numbering and indicated where originally attached conditions are no longer applicable.

[2] LPA reference DC/19/0295

16. As the development has been implemented, it is unnecessary for me to attach the commencement of development condition. In the interests of certainty, I have amended both condition 1 listing the approved plans and condition 2 concerning the approval of reserved matters. I have varied condition 12 to refer to the updated noise management plan, along with condition 23 to allow night time deliveries and dispatches for all the units.

Conclusion

17. As I have concluded that the condition can be varied without harm to the living conditions of existing residents, the appeal is allowed.

J Heppell

INSPECTOR

Schedule of Conditions

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

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 Drainage Strategy	5017397 Rev 1.0	10.03.2022
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	Flood 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	16479_R02_MJ	24.05.2024

	Condition 9 - Biodiversity Enhancement Strategy		
Supporting Statement	Submission to discharge Condition 12 - Noise Management Plan	A5083 V3	17.09.2025
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 (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 the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.
(d) The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

3 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.

4 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.

5 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.

6 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].

7 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 GeoEnvironmental dated March 2020. Any changes to these components require the consent of the local planning authority.

8 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.

9 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.

10 Not applicable.

11 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 Horsham District.

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

13 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.

14 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.

15 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.

16 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.

17 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.

18 (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.

19 Not applicable.

20 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.

21 Not applicable.

22 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].

23 With the exception of internal operations and associated deliveries and dispatch, no operation of plant and machinery or external activities shall take place except between the hours of 06:00 to 23:00 Mondays to Saturdays and 07:00-20:00 on Sundays and public holidays.

24 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.

25 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.

26 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.

27 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.

28 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.

29 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.

30 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.

31 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.

32 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.

End of schedule