Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1447
Birchfield Nursery, Kidders Lane, Henfield, West Sussex, BN5 9AB

DESCRIPTION:
Retention and use of hardstanding (retrospective)

RELEVANT PLANNING HISTORY:

DC/19/2454	This lawful development application seeks formal confirmation the Deemed Discharge Notice submitted and registered in respect of DISC/18/0371 was lawfully constructed, registered as such by the Council and duly came into effect in accordance with the law such that the details submitted pursuant to conditions 6 and 7 of DC/17/1067 were, in law, deemed approved 12 March 2019. (Certificate of Lawful Development - Proposed)	Application Refused on 03.02.2020
DC/20/1906	Change in use of the premises to mixed-use purposes for Use Classes B8, E and as a base for a garden design and landscaping business.	Application Refused on 24.06.2021
DC/22/1667	*Removal and demolition of the existing structures and equipment and the erection of an indoor plant sales and display areas, landscaped gardens, horticultural vintage working areas and crafts, sand school, stables, display gardens, cafe, restaurant, sales and meeting rooms, indoor soft play, outside crafts and events space, and other uses, security measures and facilities ancillary to the existing nursery and horticultural use.*	*Application returned*
DC/23/1536	Application to confirm the continuous use of building for Class E use as a Coffee shop for a period in excess of ten years (Lawful Development Certificate Existing)	Application Refused on 10.10.2023
DC/23/1563	Retention of existing hardstanding for the storage of outside plants and erection of a storage building for agricultural use (landscape supply).	Application Refused on 16.04.2024
DC/24/1448	Creation of onsite storage including barn and polytunnel.	Pending Consideration
DC/24/1411	Temporary permission to retain pop-up coffee shop, ancillary to the wider horticultural use (Retrospective)	Temporary Consent Granted 19.12.2024 – *Expires 01.01.2027*
DC/24/0290	Temporary permission to retain pop-up coffee shop, ancillary to the wider horticultural use (Retrospective)	Application Refused on 23.04.2024

SITE AND SURROUNDS
The application site relates to a small parcel of land within the wider 'Birchfield Nursery' land holding, which comprises an overall 2.3ha of land within a rural area, and known also as Jack Dunckleys. The application relates to an area of land to the south of the site, where earth buds provide an element of enclosure, amounting to an area of which is just under 3,000sq.m. An area within the bunds has been laid to form hard-standing, measuring some 650sq.m. At the time of officer site visits, there were plants stored within the area, some large water tanks, timber planks, pallets, paving slabs, plastic pipes

bagged material and a large pile of what appeared to be building rubble. were submitted concurrent with the current application, and concern other areas of the site:

The wider site lies some 540m north of the Henfield Built Up Area Boundary (as the crow flies), and is subject to a complex planning history, having been predominantly a wholesale horticultural nursery for some 30+ years before changing hands in 2010.

A range of buildings and structures occupy the northern area of the site, from glasshouses and polytunnels, to timber buildings and portacabins. Around these structures are areas of hard-standing, gravel and compacted ground, most of which were formerly part of the nursery plant sales and growing areas. A plant nursery, Garden Sage, is currently operating out of a number of polytunnels on site, along occupying some of the hard-standing within the centre of the site, whilst a landscaping business, Jack Dunckleys, also retains a base on the site, using a number of the structures and areas within the northern area of the site for storage purposes. In addition, Mayblossom Café occupies an area of the site adjacent to Garden Sage, which started operating from a new marquee on the site in March 2023, according to its social media feed. Officers noted at the time of the site visit late in 2023 that Garden Sage has increased its sales area within the site thus having established a greater presence on the site compared to a previous site visit in 2021 in relation to DC/20/1906. Some of the previous structures present on the site, such as some polytunnels found along the western boundary, have lost their covering and are currently dilapidated and appear to be unused.

There are other business uses at the site which appear to be listed on Google, although officers have not been able to corroborate these as part of the current application:

- London Road Storage (Internal and external storage space advertised)
- KM Floral Design (florist) – opening times listed as 09:30 – 17:00 (Mon – Fri) and 09:00 – 14:00 (Sat)
- Country Machinery Ltd (facebook post 19th September) – garden machinery repair and services
- Falcon Events – event management company
- Family Emporium (sweet shop)

Vehicular access has recently been established directly off the A281, approved under application DC/17/1067. The site is bounded by Kidders Lane to the north and the A281 along the eastern side, grassed verges, earth bunds and Oak trees. A smaller bund divides this northern part of the site where the area of historic use and buildings are located, from the southern area which has historically remained open and undeveloped.

DC/14/2007 - Various works to existing nursery operation including erection of new multipurpose main building featuring retail, office, exhibition and ancillary accommodation and site storage shed. Formation of new vehicular access to the A281 together with car parking and service road and the provision of new boundary security fencing (Refused Jan 2015 – Appeal Dismissed Sept 2015)

Permission for a scheme with a smaller building, including a new vehicular access directly off the A281, parking and delivery areas, was refused on grounds of harmful prominent appearance being at odds with the rural character of the locality and the site. The submitted site plan retained the development within the northern part of the site, leaving the southern area open and undeveloped. The subsequent Appeal was dismissed with the Inspector finding the 10m tall pyramidal building was not innovative, nor displayed any traditional rural 'pedigree' and could not be comparable to agricultural buildings found nearby. The building was deemed to be 'starkly and strangely alien' in form and scale with little sympathy for its setting'. The relocation of the entrance to the A281 was also considered to increase the scope for viewing the building.

DC/17/1067 - Proposed creation of new access and vehicle crossover (permitted Aug 2017)

A new vehicular access to serve the site was permitted off the A281, on the provision that the existing access points to Kidders Lane would be removed and re-grassed, and subject to approval of the pre-commencement conditions to secure road surface details and levels, visibility splays and details of the new access gates and landscaping. In considering the proposed re-location of the access, it was noted that under DC/14/2007, the relocation of the car parking away from the residential boundary with Birchfield House was considered to lead to amenity improvements, whilst the access did not raise any

highways-based objections. In this instance, the access off the A281 was to serve the retained site layout, and was to be mitigated by way of a fully landscaped entrance.

Although conditions relating to the road surface levels and visibility splays were submitted and approved (DISC/18/0207), conditions in relation to the landscape, gate details and reinstatement of the existing accesses were refused (DISC/18/0371). Despite the ongoing unresolved issues over the latter two issues, the new access has been formed, and most recently, surfaced. A Lawful Development application was submitted, and refused, to confirm a DDN in respect of conditions under DISC/18/0371 was registered and duly came into effect, thus effectively approving matters in relation to landscape and reinstatement of the grassed verge at Kidders Lane.

EN/18/0135 – Enforcement Notice issued in relation to a material change of use of the land and structures from a plant nursery to include storage of domestic and commercial vehicles and other items not functionally related to the lawful use for the land, and extension of the existing hard surface across the land beyond that reasonably required for its use as a plant nursery (Served April 2019)

Although relating to the northern part of the site, it is notable, that in determining the Enforcement Appeal on Ground (a) (EN/18/0135), the Inspector had regard to the planning merits of the use of the site for the open storage of commercial vehicles, and use of the structures for other storage purposes. Specifically in relation to the open storage of vehicles within the site (northern part), the Inspector concluded that the impact on the open and rural character by way of the taller vehicles, would lead to a harmful effect on the character and appearance of the surrounding area. The Enforcement Notice appeal was dismissed, and the Notice upheld with corrections, requiring compliance with the notice within a 6 month period, and planning permission refused on the deemed application. The Enforcement Notice was upheld insofar as permanently cease the use of the land for purposes not related to a plant nursery, and to permanently remove from the land any item not functionally related to the plant nursery. Following the appeal Decision in February 2020, officers note that the land has been cleared in accordance with the Enforcement Notice, with the retention of the landscape design business, operating form a portacabin on this site, which was informally held to be ancillary to the original horticultural use of the site.

DC/20/1906 - Change in use of the premises to mixed-use purposes for Use Classes B8, E and as a base for a garden design and landscaping business (Refused Oct 2020)

Although refused on grounds of inappropriate location and harm to the rural character, landscape and appearance of the surrounding area, the committee report acknowledged that the proposal sought to specify open storage areas within the site, limit the heights of items being stored within the site, noting also that the east / A281 boundary would be reinforced by way of additional planting and bunds, and a re-aligned entrance to offer visual screening of the interior of the site. A landscaped area of community 'woodland walk' was also offered within the site. This application sought to introduce open storage use within the southern area of the site, to be mitigated with additional planting to a bund that would define the northern and southern areas of the site. The application also sought to formalise the presence of the landscape business 'Jack Dunkley Designs' within specified areas and buildings on the site, and regularise the use of other existing buildings and structures for open Class E use, contributing a local economic benefit to the local community.

A subsequent appeal was dismissed in Feb 2022, with the Inspector acknowledging that specified landscaping features may reduce the visibility of inappropriate uses within the site these would still be evident when passing the site and particularly to users of the proposed community 'woodland walk'. Further economic benefits were also noted, although the specifics regarding any detailed comparison between the former plant nursery and the appeal scheme were not provided for assessment. Overall, the appeal scheme was considered to represent inappropriate use within the countryside, representing a clear conflict with HDPF policies 2, 10, 15 and 26.

Since the determination of the appeal, a number of unauthorised uses have ceased on this site, including the use of the site for HGV training and a crane and lifting equipment training centre (UTN). Ongoing investigations have also been made regarding the deposit of rubble and hard-core to form an area of hard-standing in the southern part of the site which have been subject to application DC/23/1563 (refused April 2024). The same planning application also seeks permission for a new storage building in association with the landscape business operating form the site. Aerial mapping

reveals that an area of some 825 sq.m of hard-standing has been laid in this southern portion of the site.

DC/22/1667- Removal and demolition of existing structures and equipment including storage sheds, polytunnels, scaffolding, camper vans and non-nursery plant equipment and storage; to be replaced with purpose-built indoor plant sales and display rooms, landscaped gardens, horticultural vintage workshops and crafts, sand school, stables and equestrian shop, display gardens, cafe, restaurant, sales and meeting rooms, indoor soft play, outside crafts and events space, and other uses and facilities ancillary to the existing nursery and horticultural use (Application withdrawn in April 2023 prior to formal validation)

DC/24/0290 - Temporary permission to retain pop-up coffee shop, ancillary to the wider horticultural use (Retrospective) (Refused April 2024)
Officers recognised that in many instances, the presence of a small café offered a viable ancillary element to garden plant nurseries, although an independent business that operated in a manner that was separate to Garden Sage, such as trading beyond the opening hours of the garden nursery, would conflict with the criteria of HDPF policy 26. Whilst officers were satisfied that the ancillary operations could be suitably controlled by way of planning conditions, it was the lack of information included within the application to demonstrate a water neutral position that provided the refusal reason.

Applications **DC/24/1448** and **DC/24/1411** were submitted concurrent with the current application, and concern other areas of the site:

- DC/24/1448 concerning proposed storage use and new barn, and
- DC/24/1447 seeking a temporary 'pop-up café' ancillary to the garden nursery operating form the site (Garden Sage).

A Prior Notification to confirm a flexible use of an existing portacabin on the north part of the site under Class R, currently being used as a sweet shop (**DC/24/1575**), has been objected to by the Council, dated 21st November 2024.

An application to formally discharge planning conditions 6 and 7 of permission DC/17/1067 has recently been formally approved, relating to the vehicular access off Brighton Road (A281) and boundary landscape, fence and gate details (**DISC/24/0270**).

DETAILED DESCRIPTION
The proposal seeks formal consent for the use of a levelled area of the site, a large proportion of which has been laid to gravel / hard-standing, for use associated with the landscape design business which operates from part of the site (Jack Dunkleys). The area comprises land in the southern-most part of the site which is currently set within a bund on all four sides.

The proposal includes the installation of two sets of gates on the northern side of the new compound, 2m high green anti-climb mesh fencing, and the creation of two distinct areas:

- A Landscape Storage Area (western side – some 23m x 53m) – this area will be used for the storage of materials such as turf, top soil, garden construction materials and stock for the retail areas. It can also be used for holding stock ready for use on the landscape projects
- A Secure Parking Area (eastern side – some 43m x 57m) – which is intended for the parking of company vehicles, forklift, diggers / dumpers, agricultural machinery, trailers and construction vehicles. This area would also include the siting of 6no storage containers along the northern side which would be dark green in colour and some 6m x 2.44m x 2.7m (h) in size

The storage compound would provide a single area for dedicated use by the landscape business 'Jack Dunckley' or 'Jack Dunckley Designs', which currently operates form the site, and would provide for an area within which all equipment can be securely stored, as this is currently located throughout the site.

RELEVANT PLANNING POLICIES
The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 7 - Strategic Policy: Economic Growth
Policy 9 – Employment Development
Policy 10 – Rural Economic Development
Policy 24 - Strategic Policy: Environmental Protection
Policy 25 - Strategic Policy: The Natural Environment and Landscape Character
Policy 26 - Strategic Policy: Countryside Protection
Policy 31 – Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 35 - Strategic Policy: Climate Change
Policy 36 - Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 40 - Sustainable Transport
Policy 41 - Parking

Henfield Neighbourhood Plan – Made June 2021
Policy 1 – A Spatial Plan for the Parish
Policy 3.2 – Development of new and Existing Employment Uses
Policy 4 – Transport, Access and Car Parking
Policy 10 – Green Infrastructure and Biodiversity
Policy 12 – Design Standards for New Development

Paragraph 33 of the NPPF requires that all development plans complete their reviews no later than 5 years from their adoption. Horsham District Council is currently in the process of reviewing its development plan however at this stage the emerging policies carry only limited weight in decision making. As the HDPF is now over 5 years old, the most important policies for the determination of this application must be considered as to whether they are 'out of date' (NPPF paragraph 11d). This includes, for applications involving the provision of housing, whether the Council can demonstrate a five year supply of deliverable housing sites (NPPF footnote 8).

The Council is currently unable to demonstrate a five year supply of deliverable housing sites, with the supply currently calculated as being 2.9 years. The presumption in favour of development within Paragraph 11d) of the NPPF therefore applies in the consideration of all applications for housing development within the District (unless footnote 7 or Paragraph 14 applies to relevant applications), with Policies 2, 4, 15 and 26 now carrying only moderate weight in decision making.

All other policies within the HDPF as itemised above have been assessed against the NPPF and are considered to be consistent such that they continue to attract significant weight in decision making.

West Sussex Joint Minerals Local Plan (2018)
Policy M9 - Safeguarding Minerals

Supplementary Planning Guidance:
Community Infrastructure Levy (CIL) Charging Schedule (2017)

Parish Design Statement:
Henfield Parish Design Statement – Dec 2008

Planning Advice Notes:
Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES
Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:
INTERNAL CONSULTATIONS
HDC Environmental Health: No Objection

OUTSIDE AGENCIES
WSCC Highways: Advice
The proposal seeks retention of an existing hardstanding area for the siting of plants and includes the creation of a small landscape supply building for storage purposes ancillary to the Horticultural garden centre use. The hardstanding has been in place for approx. 3 years and there have been no known highways safety or capacity concerns with this practise. The Local Highways Authority has been made aware of a larger long term proposal at the site, however The LHA are required to consider the merits of the application submitted. Comments made in this report relate to the development proposed, as set out above. Any further applications on the site would be considered on their own merits at the time of submission. The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

Southern Water: No Objection

Parish Comments: Objection
This Committee notices that there is already an outstanding enforcement notice for this application.
This Committee deems that this application is contrary to HD Planning Framework

- 10 as it does not maintain the quality and character of the area; does not contribute to diverse and sustainable farming enterprises; or promote recreation;
- 25 as does not protect, conserve or enhance the landscape or townscape character of the District; or as does not protect, conserve or enhance the setting of the South Downs National Park
- 33 as there is loss of amenity to the neighbouring property; or the design is not sensitive to surrounding buildings, as the proposal is out of keeping and unsympathetic with the built surroundings and in that it does not respect the character of the surrounding area.
- 33.2 as there is loss of amenity to the neighbouring property; or the design is not sensitive to surrounding buildings
- 33.4 in that it does not respect the character of the surrounding area and buildings.

Representations:
None received

HUMAN RIGHTS AND EQUALITY:
The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT
Background
The wider site within which the application site sits is considered to remain an agricultural / horticultural landholding, primarily as this was the function formerly attributed to the horticultural plant nursery operating from the site historically, previously known as 'Birchfield Nursery'. The site became known as 'Jack Dunckley's' around 2010 and retained a presence as a plant nursery, open to the public. Whilst a redevelopment of the site to form a retail garden centre was approved in 2011 (DC/11/1250)

this was not implemented and therefore the permission has lapsed. A subsequent application for a slightly smaller central building and redevelopment to form a retail garden centre, along with ancillary landscape design studio was submitted under DC/14/2007, but refused by committee and subsequently dismissed at appeal in September 2015, finding the design of the sales building to be at odds with the rural character of the site's location, with the latter design failing to incorporate the screening of the innovative design of the earlier scheme.

The more recent chapter in planning history is set out in the report above, but officers note that the site retains its agricultural / horticultural use. Officers also acknowledge that the applicant / site owner has complied with the requirements of the Enforcement Notice EN/18/0135, which was issued by the Council in April 2019 and which was subject to a subsequent formal appeal determination, issued in February 2020. The Notice was upheld with corrections and required the following:

(i) Permanently cease the use of the land for the purposes of any storage not related to a plant nursery;

(ii) Permanently remove from the land any item being stored within it, whether under cover or otherwise and whether a vehicle or other item, not functionally related to a plant nursery. Storage shall include building materials, shipping containers and the stationing of vehicles, caravans, campervans or any domestic or commercial wheeled item.

The administration or design office of a landscape business are likely to fall into the recently defined E(g)(a) use class, whilst the external storage of materials, vehicles, equipment and plants, would likely comprise a B8 storage and distribution use. In either case, the landscape business is fundamentally different form the lawful use of the site as a horticultural plant nursery. However, officers recognise that the applicant has maintained a small landscape design presence at the site for a number of years, which operated ancillary to the wider use of the site as a horticultural nursery, operated by the applicant's father.

Principle of Development:
The wider location of the site lies within a countryside location for the purposes of planning policy in accordance with paragraph 4.7 of the Horsham District Planning Framework (HDPF) (2015), and where countryside protection policy set-out at HDPF policy 26 applies. In this context, in accordance with HDPF policy 26, it would be expected that development be essential to this countryside location and not lead to a significant increase in overall activity on an individual or cumulative basis. Essential development under HDPF 26 is considered to involve works supporting the needs of agriculture or forestry, mineral extraction or waste disposal, quiet recreational use, or sustainable development of rural areas. One of the criteria of HDPF policy 26 is that suitable proposals must be of a scale appropriate to its countryside character and location, and would be considered acceptable where they do not 'lead, individually or cumulatively, to a significant increase in the overall activity in the countryside, and protects, and/or conserves, and/or enhances, the key features and characteristics of the landscape character area in which it is located.

HDPF policy 10 accepts that sustainable rural economic development and enterprise within the district is necessary and can bring social, economic and environmental benefits. However, against this, it is essential that for any development to be acceptable in such locations, the appropriate re-use of existing buildings is first considered, and in the case of established rural industrial sites, lies within the existing boundaries thereof. The policy accepts that in exceptional cases, new buildings may be required, but these should result in substantial environmental improvement and reduce the impact on the countryside – and only when such development would support sustainable economic growth towards balanced living and working communities.

Policy 1 of the Henfield Neighbourhood Plan (HNP) (2021) operates to support the spatial strategy of the development plan in seeking to support development beyond defined settlement boundaries where appropriate in location to national and local planning policy.

The application site's location within an area of the wider site that has historically not been used as part of the established former horticultural use and activities at the site, can be seen from aerial photos which the Council has access to, dating back to 2001. This southern part of the site has historically remained free from development until more recently, when the Council has been involved in

investigating the formation of earth bunds and increasing areas of hard-standing without planning consent (circa 2017).

Officers acknowledge that the current area of hard-standing in question does not benefit from any planning consent, which reflects the retrospective element of the current application, and the proposed extension to this area for cover the remaining area of the southern portion of the wider site. The primary reason for seeking to formalise use of this area is to enable the landscape business which retains a functional base at the site, to group various vehicles and stored materials into one area which can be fenced and secured, addressing recent issues of theft from the site.

Officers consider that the proposal would result in the introduction of a B8 use for external storage within the lawful agricultural / horticultural site, and would occupy an area of the site which has thus far been free of any land use or lawful development. However, the storage use would be associated with a landscaping business which has occupied a small part of the site historically for a number of years in an ancillary capacity to the former horticultural nursery, with the associated storage of vehicles and materials dotted around the wider site as and where space allowed. The proposed enclosure would allow the applicant to store vehicles, materials and plants for use by the landscape design business, within a defined area of the site, and provide for the necessary security for these items, acknowledging the public access afforded to other parts of the site by way of the garden nursery (Garden Sage).

Of note is an appeal decision relating to application DC/20/1906 which sought a *'change in use of the premises to mixed-use purposes for Use Classes B8, E and as a base for a garden design and landscaping business'*. In the appeal decision, issued at the end of Feb 2022, the Inspector considered that the open B8 storage use of the southern part of the site '*would not comply with the requirements'* of policies 2, 10, 25 and 26 of the HPDF which seek to limit development in the countryside. Furthermore, the Inspector concluded that *'the proposal would have an unacceptable effect on the character and appearance of the surroundings'* and furthermore that any landscaping benefits proposed as part of the appeal application would not outweigh the '*inappropriate use of the site and presence of associated features'.*

The policies against which the current application is assessed remain as per those considered as part of the previous appeal, noting that the Henfield Neighbourhood Plan was formally 'Made' in June 2021, after the committee decision was made for DC/20/1906. Officers consider that there is a fundamental change in the nature of the B8 storage being sought, in that it was a general storage use under DC/20/1906, and a more specific storage use associated with the landscape business currently operating from the wider site proposed by way of the current application. Furthermore, the landscape business is an established local business which has operated from the site for a number of years.

Officers are therefore of the view that the proposal would continue support an established local business, and would therefore offer a form of sustainable rural economic development within the district. Officers are also satisfied that the proposal would present opportunities to improve the visual quality of the site and therefore bring about an improvement to the countryside setting of the site. The proposal is therefore considered to be in accordance with HDPF policies 2 and 10, and 26, and policy P1.2 of the Henfield Neighbourhood Plan.

Design and Appearance:
Policies 25, 32 and 33 of the HDPF require development to be of a high standard of design and layout. Development proposals must be locally distinctive in character and respect the character of their surroundings. Where relevant, the scale, massing and appearance of development will be required to relate sympathetically with its built-surroundings, landscape, open spaces and to consider any impact on the skyline and important views.

Officers note that the proposal would be set partially screened by the earth bunds which have been created within this part of the site, with this part of the site having been scraped clear and levelled sometime prior to a site visit having been undertaken in May 2017. Officers also note from a more recent site visit undertaken in March 2024, that the southern area of the site lies at a higher land level to the northern developed part of the site. The submitted detailed drawings show the proposed containers (with a height of 2.71m) to be set level with the bunds, but at the same time, the application does not detail any excavation of this area to create a consistent site level throughout.

It is likely that the proposed containers would be set on the existing raised ground levels, and would therefore appear to result in some residual visual impact above the height of the existing bunds, in the event of the bunds not being planted and landscaped. However, the distance between the proposed compound area and the views available into the site from the public realm (being Kidders Lane to the north, and the A281 along the north-eastern boundary), along with intervening structures and the vegetated bund, would serve to lessen the visual impact. It is also noted that the nature of vehicles and materials stored in the proposed compound varies significantly from the open B8 storage proposals which were subject to the previously refused application (DC/20/1906), whereby the Inspector concluded that the creation of a formal open storage area, would lead to an unacceptable impact on the character and appearance of the surroundings, even though a height limit of 3.5m had been suggested as part of the appeal proposal. Furthermore, a condition could be applied to require suitable landscape details and planting on this bund to be submitted for approval.

The applicant proposes the parking of a number of vehicles within the eastern compound, including transit van/s, tippers, Lutons, cherry pickers, diggers, dumpers, soil screener, with most remaining on site unless required for specific jobs / projects. Additional smaller equipment would be stored within the storage containers. Officers consider that much of this equipment and vehicles would be less than 3.5m in height (with a Luton van some 3.2m in height).

Officers acknowledge that the proposed development would be within a part of the wider site where lawful horticultural / agricultural use and activity has not previously been established. However, it is also acknowledged that the application site is surrounded by existing perimeter earth bunds, and furthermore, that a planning condition could be secured to ensure that the bunds and any planting can create a meaningful screening and enclosure of the storage area, having regard to the existing land levels.

Notwithstanding the appeal decision in relation to DC/20/1906, whereby the Inspector noted that the use of this southern area of the site for general open storage areas would not comply with the requirements of policies 2, 10, 25 and 26, officers consider that the current application creates a functional link between the proposed storage compound and the landscape business which has been operating from the wider site for a number of years, albeit in an ancillary manner. Furthermore, officers consider that the creation of the southern compound area enables all the relevant equipment and materials associated with the landscape business to be brought together and kept in one designated part of the wider site, thus allowing for other areas of the site to be cleared and tidied up, providing an enhanced appearance within the central part of the site where the garden nursery business is currently located, and enabling a greater control of planning uses within the site. Fundamentally, officers acknowledge that vegetation to the site's perimeter boundary, particularly alongside the A281, has become re-established following its clearance around 2015, and now provides some effective screening from the public realm.

Although it is acknowledged that the use of, and formalisation and extension of hard-standing within the southern area would draw the developed character of the site into an area which has historically been open and undeveloped, officers consider that the hard-standing would retain a sense of openness, noting that the storage containers would not be permanently fixed to the ground. Furthermore, the nature of the proposed fencing and gates would retain a sense of the openness that prevails at the current time.

Officers therefore consider that the proposal, subject to appropriate mitigatory details being received, would accord with local and national planning policies, and in particular HDPF policies 25, 32 and 33, and policy 12 of the Henfield Neighbourhood Plan.

Amenity Impacts:
Policy 33 of the HDPF seeks to ensure that proposed development does not result in unacceptable harm to the amenities of nearby occupiers/users of land, in terms of privacy, the receipt of natural light and/or disturbance.

The application site is found within a highly rural context, which, with the exception of sporadic residential properties to the north-west of the site, retains a predominantly agricultural character.

The application site lies beyond the lawfully established functional part of the site, according to available aerial photographs. However, given the location of the proposed storage area, and the distances from neighbouring residential properties (some 150m off the rear wall of Birchfield House), it is not considered that the proposal would lead to any adverse impact on the private amenities of nearby residential properties, including from vehicles entering and exiting the site.

Highways Impacts:
Policy 40 of the HDPF states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district.

Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users, with consideration given to the needs of cycle parking, motorcycle parking and electric/low emission vehicles. Development which involves the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere or the need for development overrides the loss of parking and where necessary measures are in place to mitigate against the impact.

The proposal does not seek any change to existing access arrangements, with no evidence before the Authority that the point of existing access onto the A281 is operating unsafely, or that the proposals would exacerbate a highway safety concern.

The site can lawfully operate as an agricultural / horticultural landholding and is not subject to any limitations on vehicular access. The proposed formalisation of use of an existing area of hard-standing as part of the landscape design business currently operating from the wider site, is not considered to give rise to a significant intensification in expected vehicle movements, as concluded by the Local Highways Authority, with the vehicles and operatives already based at the site, albeit scattered across the wider site. Similarly, no unacceptable effects upon highway safety are considered to arise by virtue of the proposal, nor would there be any resulting 'severe' impact upon the operation of the highway network contrary to the requirements of HDPF policy 40 and NPPF paragraph 116.

The wider site already benefits from a large parking area and areas of hardstanding within the site boundaries, which currently provide vehicle and equipment storage for the landscape business, as well as being shared with the other operators within the wider site. The proposed extension of and provision of additional hardstanding would not indicate intensification of vehicular traffic to and from the site in relation to the requirements of HDPF policies 40 and 41.

Water Neutrality:
The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

Natural England advises that plans and projects affecting sites where an existing adverse effect is known will be required to demonstrate, with sufficient certainty, that they will not contribute further to an existing adverse effect. The received advice note advises that the matter of water neutrality should be addressed in assessments to agree and ensure that water use is offset for all new developments within the Sussex North Water Supply Zone.

The submitted WNS sets out that the nature of the site would be for storage purposes of a business function which is already carried out on the wider site, and would not give rise to any additional water demand at the existing site.

Therefore, officers can conclude that sufficient information has been provided to demonstrate that the development is water neutral, as it would not lead to any direct increase in staff, use or other water-consuming activities. It can therefore be concluded that the proposed development would not result in a likely adverse impact on the Arun Valley protected sites, and has therefore been **screened out.**

Sufficient information has been provided to demonstrate with a sufficient degree of certainty that the proposed development would not contribute to an existing adverse effect upon the integrity of the internationally designated Arun Valley Special Area of Conservation, Special Protection Area and Ramsar sites by way of increased water abstraction, contrary to Policy 31 of the Horsham District Planning Framework (2015), Paragraph 193 of the National Planning Policy Framework (2024), thus the Local Planning Authority is able 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).

Biodiversity Net Gain (BNG):
Biodiversity Net Gain (BNG) is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This requires that development must achieve at least 10% BNG on all habitats within the development site.

The Applicant submits that they consider the proposal falls within the 'de minimis' exemptions, as the proposal does not impact on any areas of priority habitat, ie all parts of the development site are subject to a 'sealed surface', or areas which are likely to have a zero biodiversity value, and furthermore, that the works concern retrospective consent for the creation of hard-standing. Officers acknowledge that this part of the site has been subject to levelling, the laying of an area of hard-standing, and significant earthworks over the last 5 years, and therefore agree that this part of the site falls within the 'de minimis' exemption.

Conclusions:
Officers acknowledge that the proposed development would take place within part of the site which has historically been open and not utilised for purposes associated with the lawful land use of the site, being a horticultural plant nursery, as can be established back to 2001 by way of aerial photographs. However, this part of the site has been subject to clearance works and the formation of earth bunds and an area of hardstanding without the benefit of planning permission. The proposed development would regularise this area of hard-standing and subsequent use of this area for B8 storage use associated with the landscape business which has operated from the site in an ancillary capacity for many years. Furthermore, the area of hardstanding would be complemented by the erection of a secure fence and gates along the northern side, creating a secure compound within which materials and vehicles can be stored.

Whilst the leads to concern that there would be irrevocable and significant erosion of the open and rural setting of this part of the site, leading to the potential for this part of the site to be at risk of visual harm and diminishment of the prevailing rural qualities, Officers consider that the formalisation of use of this area would enable the imposition of planning conditions which secure appropriate ongoing use of this area of land, ensure that suitable landscaping can be achieved and would assist in rationalising the uses across the wider site as a benefit. Furthermore, officers acknowledge that the landscape business has operated in an ancillary manner from this site alongside the former horticultural plant nursery for many years, and that the nature of the use is compatible with the rural location of the site. More importantly, officers note the previous planning refusal for the use of the wider site for open B8 storage purpose along with the subsequent appeal decision, but note that the current proposal is different in term of the specific landscape business use of the application site, would occupy a smaller area of the site, and that intervening changes to the wider site has re-established vegetated boundaries which provide an element of screening from within the site and from the public realm. Furthermore, planning conditions can ensure that the proposed development is adequately screened and used in a way that is appropriate to the rural location.

In conclusion, the proposal is considered to accord with policies 2, 10, 25, 26, 32 and 33 of the HDPF, which seek to preserve and enhance the rural landscape character of the district.

Recommendation: Application Permitted

Conditions:

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-Occupation Condition:** No part of the development hereby permitted shall be brought into first use until full details soft landscaping works shall 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
- Sections through the north and eastern bunds to show the relative land levels on each side and the proposed height of planting to be achieved.

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 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).

4 **Regulatory Condition**: The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and approved plans.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5 **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 development hereby permitted shall be used for the storage of vehicles, machinery and materials associated with the existing ancillary Landscape Business operating from the site only (known currently as Jack Dunckley), and shall not be used independently for B8 storage purposes, or other uses falling within Class B8 use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020), 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.
In the event that the ancillary landscape business (known currently as Jack Dunckley) no longer operates from the wider site, then the use of the storage compound shall cease, and the fencing, gates and storage containers shall be removed from the land identified on the site plan DWL00a (received on 22.01.2025).

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 location of the site in a rural area, under Policies 10, 26 and 33 of the Horsham District Planning Framework (2015).

6 **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).

7 **Regulatory Condition**: The development hereby permitted shall be limited to the land identified within the blue hatched area on the Site Location Plan (DWL 00a received on 22.01.2025) only.

Reason: In the interest of the location of the site in a rural area, under Policies 10, 26 and 33 of the Horsham District Planning Framework (2015)

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.

Under Regulations 4, 5, 7 & 8 of the Biodiversity Gain Requirements (Exemptions) Regulations 2024 the statutory biodiversity gain condition required by Schedule 7A to the Town and Country Planning Act 1990 (as amended) does not apply in relation to planning permission for development which:

1. does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (a hedgerow habitat or watercourse habitat identified for the purposes of the biodiversity metric);

2. is the subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;

3. is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development (In determining whether a development is undertaken solely or mainly for this purpose, no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee);

4. consists of no more than 9 dwellings, is carried out on a site which has an area no larger than 0.5 hectares, and consists exclusively of dwellings which are self-build or custom housebuilding ("Self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015 (as amended)).

Based on the information submitted in the planning application documents, the Planning Authority considers that this permission is exempt from biodiversity net gain, and as such does not require approval of a biodiversity gain plan before development is begun.

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.

POSITIVE AND PROACTIVE STATEMENT

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.

Plans list for: DC/24/1448

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Planning Statement	NONE	19.09.2024
Block plan	Proposed Block Plan	DWL00a	22.01.2025
Details plan	Secure Storage container elevations	DWL 03a	13.12.2024
Details plan	Secure Storage - elevation of bunds and storage containers	DWL 03a	13.12.2024
Location plan		DWL 00a	13.12.2024
Details plan	Secure Storage details	DWL 03a	13.12.2024

DELEGATED

Case Officer sign/initial Nicola Pettifer Date: 18/03/2025

Authorising Officer sign/initial Adrian Smith Date: 19/03/2025