Horsham District Council

Mr Simon Brett
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TOWN & COUNTRY PLANNING ACT 1990: S192 (as amended by S10 of THE PLANNING AND COMPENSATION ACT 1991)

TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

CERTIFICATE OF LAWFUL DEVELOPMENT OR USE (PROPOSED)

Application No: DC/25/0887

Horsham District Council hereby certifies that on 11/06/2025, the development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in red on the plan attached to this certificate was lawful within s192 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):

1 The development would be permitted by Class H of Part 7 within Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015, as amended.

2 The development would be permitted by Class J of Part 7 within Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015, as amended.

FIRST SCHEDULE

Erection of new B8 building and hard surface. (Lawful Development Certificate - Proposed).

SECOND SCHEDULE

Marthas Barn Wheatsheaf Road Henfield West Sussex

Schedule of plans/document

This decision is based on the following schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	1891.2/01	28.05.2025
Block plan	Block Plan	1891.2/02	28.05.2025
Elevation & Floor plan	Floor Plan and Elevations of PD B8 Building	1891.2/03	28.05.2025

Note to Applicant
The Applicant is advised of the conditions set out under Class H.2 of the General Permitted Development Order (GPDO), which apply to development permitted by Class H:

(b) any building as erected, extended or altered is only to be used—

(i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;

(ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;

(c) no building as erected, extended or altered is used to provide employee facilities—

(i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or

(ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999.

Note to Applicant
The Applicant is advised that this decision relates solely to the area of hardstanding located within the red line boundary shown on plan 1891.2/02. It does not grant permission for any hard surfaces that have been laid outside of the development site without the necessary consents.

Note to Applicant
Section 75 of the Conservation of Habitats and Species Regulations 2017 states that "it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which -

(a) Is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) Is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority)."

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.

Whilst it is acknowledged that the Supporting Statement confirms the building will not consume mains water, the applicant is advised that should this position change, the development would not be considered permitted until written approval has been obtained from the local planning authority pursuant to the application submitted under Section 77 of the Conservation of Habitats and Species Regulations 2017.

Additional Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the use or works specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, would not have been liable for enforcement action under Part 7 of the 1990 Act on that date.

3. This certificate applies only to the extent of the proposal described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter which is materially different from that described or which relates to other land may render the owner or occupier liable for enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.



Emma Parkes
Head of Development and Building Control

Date: 06/08/2025