AITCHISON RAFFETY

**TOWN AND COUNTRY PLANNING ACT 1990**

**APPEAL STATEMENT**

**In respect of:**
**Refused Planning Application**
**LPA Ref: DC/23/2311**

**For:**
**Change of use of land for works associated with bespoke detailing and distribution of premium vehicles. (Retrospective)**

**At:**
**Marthas Barn Warehouse, Hollinger, Wheatsheaf Road, Henfield, West Sussex, BN5 9AX**

**Appeal Statement on behalf of:**
**Mr L. Pennant**

**August 2024 - V1**

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## 1. INTRODUCTION

1.1 My name is Bruce O'Brien, and I am a Senior Planning Consultant with Aitchison Raffety, Chartered Town Planning Consultants. I have a master's degree in Town Planning and a Certificate of Higher Education in Historic Buildings Conservation from Cambridge University. I am a Member of the Royal Town Planning Institute. I am instructed by the Appellant, L. Pennant in respect of this Appeal.

1.2 Planning application (LPA Ref: DC/23/2311) was validated and registered by Horsham District Council on 21/12/2023. The application sought retrospective planning consent for the 'Change of use of land for works associated with bespoke detailing and distribution of premium vehicles. (Retrospective).' The application was refused planning permission on 12 /06/ 2024 for the following reasons:

*1 The scale and nature of the proposed use, extending beyond the lawful boundary of the host site, and for an activity which is not associated with the established lawful use of the host buildings, would be harmful to the rural character, landscape and app earance of the site and surrounding area contrary to Policies 2, 10, 25, 26 and 33 of the Horsham District Planning Framework (2015),and Policy 3.2 of the Henfield Neighbourhood Plan (2021).*

*2 Insufficient 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), Paragraphs 185 and 186 of the National Planning Policy Framework (2023), thus the Local Planning Authority is unable 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).*

1.3 Given the refusal reasons of the Council, this Appeal Statement shall focus on those reasons and the policy references within the decision notice.

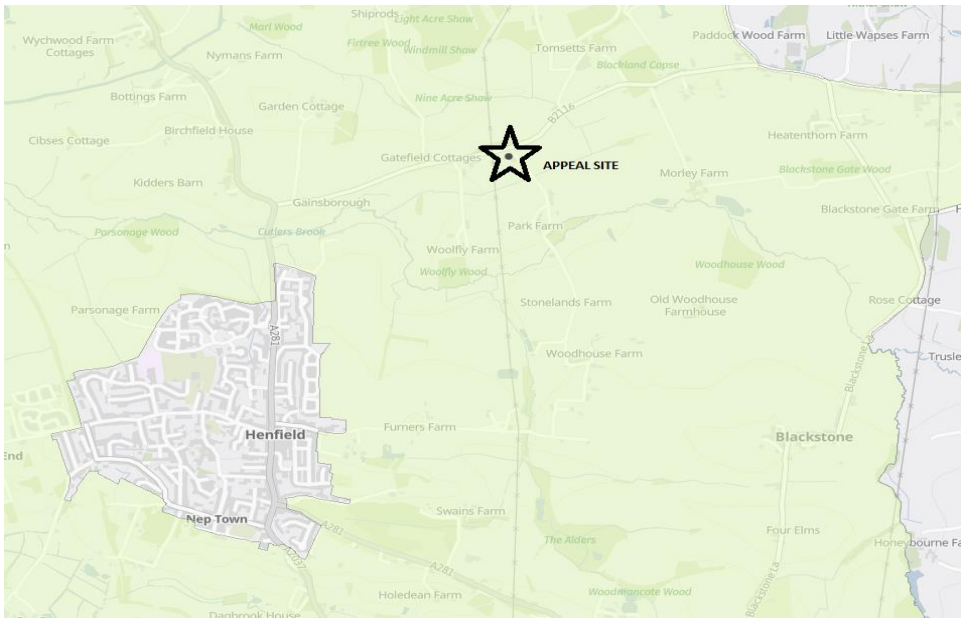
1.4 The Council has raised no objections to any matters, nor cited any policy conflicts, other than those contained within the refusal reasons.

## 2. THE SITE AND SURROUNDING AREA

2.1 The Appeal Site falls under the planning jurisdiction of Horsham District Council and is located outside of the built-up area of the nearest settlement, Henfield.

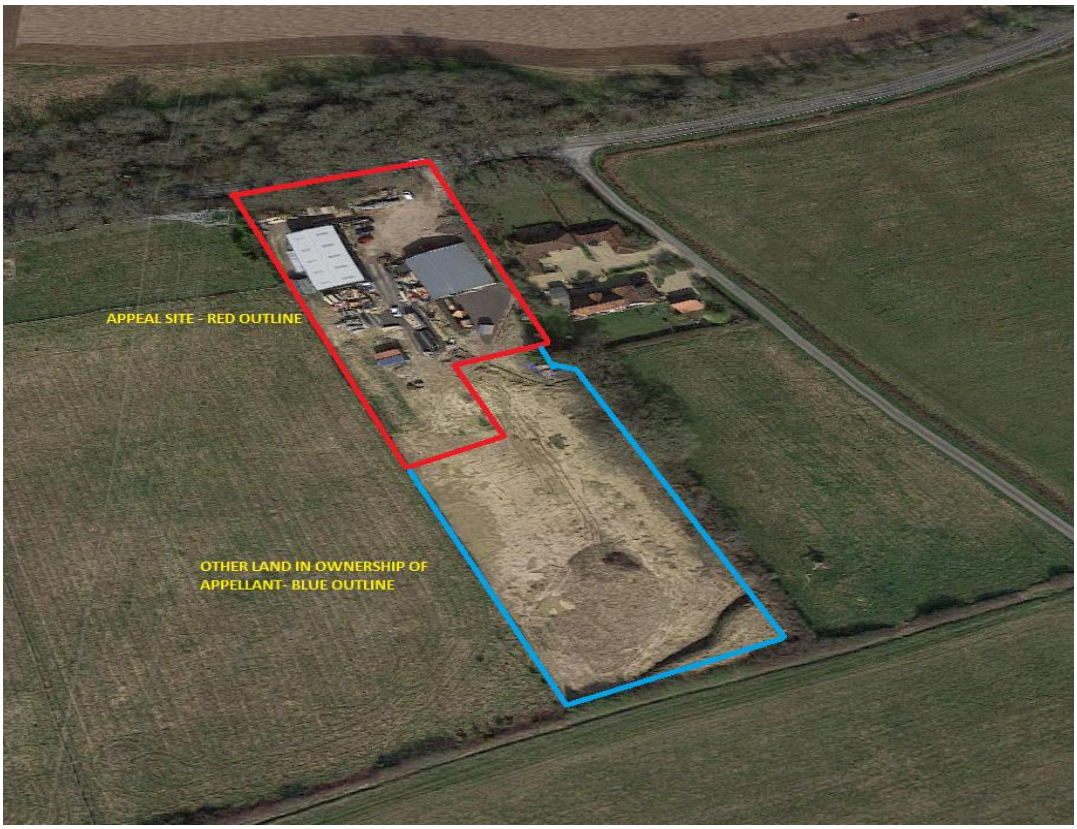
2.2 The Appeal Site adjoins the southern edge of the B2116 / Wheatsheaf Road, approximately 1km east of the junction with the A281 Brighton Road. The Site is in an area defined as an 'Area Outside Built Up Area Boundary', a rural location, but the buildings within the site form part of a cluster of buildings (barn and dwellings). The Appeal Site has an established vehicular access off the B2116 / Wheatsheaf Road.

2.3 A review of the Council's Planning Policy Mapping shows that the site is in an area defined as an 'Area Outside Built Up Area Boundary', but there are no other planning constraints.




*Green shading - 'Area Outside Built Up Area Boundary'*

2.4 The Appeal Site comprises an existing commercial site which has been established for over 20 years and retained in the same ownership. The change of use application relates to a parcel of adjoining land to the rear of the existing site.




*Aerial view of Appeal Site with approximate boundaries*

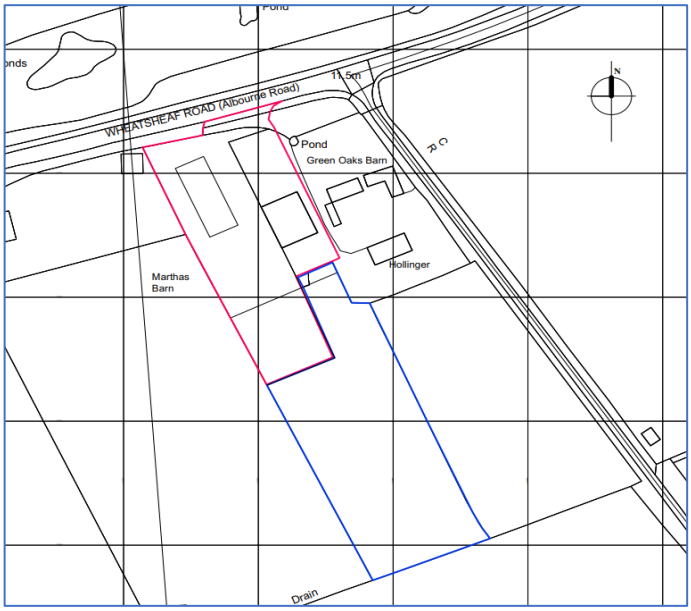
## 3. THE REFUSED SCHEME

3.1 Retrospective planning permission was sought and refused under planning application LPA Ref: DC/23/2311 for the *'Change of use of land for works associated with bespoke detailing and distribution of premium vehicles. (Retrospective)'*

3.2 The application relates to an area of gravel hardstanding to the south of an established commercial site. The proposed retrospective development is for the use of land for the detailing of luxury vehicles, prior to them being delivered to purchasers by way of online sales. It is considered that the use is classed as a 'Sui Generis' use.

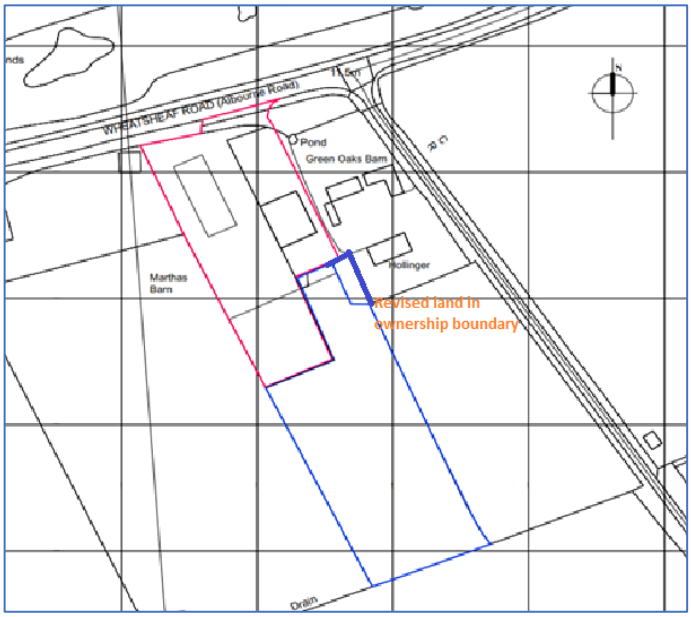
3.3 The area is currently fenced, but the appellant is willing to improve the boundaries of the site, by way of an agreed landscape plan, in conjunction with the change of use.

3.4 The application land extends to 65m in depth to 30m in width (approx.).




*Site Location*

3.5 Whilst the appellant accepts that the inspector shall assess the plans as submitted and refused in the original application, the appellant would like it known that the original boundary plans were submitted with a slight error. This is amended in the figure below which shows a thicker blue line which denotes the land in ownership of the appellant.




*Revised land in ownership boundary*

## 4. PLANNING POLICY

4.1 The starting point for assessing development proposals is always the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states *'if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'*.

4.2 The Development Plan for this proposal consists of the Horsham District Planning Framework (2015); and the Henfield Neighbourhood Plan (2017-2031).

4.3 In addition, the Government's National Planning Policy Framework (NPPF) (December 2023) is an important material consideration for determining planning authority applications.

### Key Local Plan Policies

4.4 To assist the inspector, the relevant items of the Key Policies cited in the refusal reason are summarised below:

### Strategic Development - Policy 2

This is an overarching policy that covers location and amount of development in terms of economy, housing, retail and infrastructure and aims to protect rural character whilst ensuring that the needs of the community are met through sustainable growth and suitable access to services and local employment.

The policy safeguard existing employment sites and their function through flexible policies…together with supporting the rural economy, to allow people the opportunity to work close to where they live.

Proposals should retain and enhance natural environmental resources, including landscapes and landscape character.

## Rural Economic Development - Policy 10

Supporting text in Paragraph 5.14-5.15 identifies that Horsham district has a diverse urban and rural economy where the rural character of the district means that the wider rural economy is important.

Pertinently the text continues at Paragraph 5.16

*'Over half of the Small Medium Enterprise's (SME's) in the UK are home based and in our district many of these businesses are in rural areas providing the only employment in villages and hamlets. We need to retain this valued employment by affording these businesses the opportunity to expand in the vicinity of their home.'*

And at 5.17

*'Maintaining the rural economy through appropriate development will be considered positively'*

Sustainable rural economic development and enterprise within the district will be encouraged in order to generate local employment opportunities and economic, social and environmental benefits for local communities. Development which maintains the quality and character of the area, whilst sustaining its varied and productive social and economic activity will be supported in principle.

*So long as the proposed development:*

Contributes to the wider rural economy and

**either**

a. Be contained wherever possible within suitably located buildings which are appropriate for conversion or, in the case of an established rural industrial estate, within the existing boundaries of the estate;

**or**

b. Result in substantial environmental improvement and reduce the impact on the countryside.

New buildings or development in the rural area will be acceptable provided that it supports sustainable economic growth towards balanced living and working communities and criteria a) has been considered first.

2. Demonstrate that car parking requirements can be accommodated satisfactorily within the immediate surrounds of the buildings, or an alternative, logical solution is proposed.

### District Character and the Natural Environment - Policy 25

Supporting text to Policy 25 at Paragraph 9.14 states that there may be circumstances where development is necessary to ensure the continued sustainable development of rural areas. This might include development which is required to sustain social and economic needs of rural communities, such as …business uses.

The Natural Environment and landscape character of the district, including the landscape, landform and development pattern, together with protected landscapes and habitats will be protected against inappropriate development.

The Council will support development proposals which: Protects, conserves and enhances the landscape and townscape character, taking into account areas identified as being of landscape importance, the individual settlement characteristics, and maintains settlement separation.

### Countryside Protection - Policy 26

Outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas.

In addition, proposals must be of a scale appropriate to its countryside character and location. Development will be considered acceptable where it does not lead, either individually or cumulatively, to a significant increase in the overall level of 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,

### Green Infrastructure and Biodiversity – Policy 31

Policy 31 aims to protect biodiversity and 'green infrastructure' (a multi-functional and connected network of green spaces, water and other environmental features in urban and rural areas). The appeal site is not part of the green infrastructure of Horsham.

This policy seeks to ensure that development does not cause a net loss in biodiversity.

Paragraph 9.34 of the Local Plan states That:

*Although located in the South Downs National Park, applicants will need to be particularly mindful of the impact development within Horsham district could have on Arun Valley Special Protection Area (SPA) and The Mens Special Area for Conservation (SAC). Both these sites are of international importance for nature conservation, and applicants will need to demonstrate that development does not have adverse impacts on either of these sites in accordance with relevant legislation. In the case of Arun Valley, proposals must demonstrate that they will avoid harm to the water quality and water levels on the site. In the case of The Mens, development must not impact on bat flight paths in the district. As recommended in the Council's Habitat Regulations Assessment of this plan, a 'bat sustenance zone' has been identified and is shown on the Policies Map. Within this area, it may be necessary for compensatory measures such as hedgerow enhancement to be undertaken prior to any development.*

5. Any development with the potential to impact Arun Valley SPA or the Mens SAC will be subject to a HRA to determine the need for an Appropriate Assessment. In addition, development will be required to be in accordance with the necessary mitigation measures for development set out in the HRA of this plan.

## Development Principles - Policy 33

In order to conserve and enhance the natural and built environment developments shall be required to *inter alia*:

1. Make efficient use of land
2. Ensure that it is designed to avoid unacceptable harm to the amenity of occupiers/users of nearby property and land
3. Ensure that the scale, massing and appearance of the development is of a high standard of design and layout and where relevant relates sympathetically with the built surroundings, landscape
5. Use high standards of landscaping
6. Development must relate sympathetically to the local landscape and justify and mitigate against any losses that may occur

## Policy 3.2 of the Henfield Neighbourhood Plan (2021)- Development of New and Existing Employment Uses

P3.2.1 Development proposals for new employment uses or to extend or intensify existing employment uses will be supported, provided *inter alia*:

a. they are within the built-up area boundary of Henfield or where they are outside the built-up area they can be accommodated within the curtilage of an existing employment site;
b. it can be demonstrated that the traffic generated by the proposal will have acceptable access to the principal Henfield road network the A281 and/or A2037;
c. the proposal layout meets the relevant development plan car parking standards; and
d. the design, materials colour, massing, position within the site and landscape scheme is able to minimise any visual impacts on the street scene, local amenity and on any adjoining countryside by the provision and maintenance of effective screening by trees or woodland planting along the boundaries of the site.

### Other relevant policies for consideration in the planning balance

4.5 To assist the inspector, as the Development Plan is to be read as a whole, suggested items of other Local Plan Policies that may play a part in the overall planning balance are summarised below:

### Economic Growth - Policy 7

Supporting text at Paragraph 5.9 recognises the important role and contribution that smaller businesses play and make towards the district's economy, by supporting them through the provision of accommodation and also encouraging appropriate infrastructure to be provided through development.

Sustainable employment development in Horsham district for the period up to 2031 will be achieved by inter alia:

2. Redevelopment, regeneration, intensification and smart growth of existing employment sites.

### Policy 1 of the Henfield Neighbourhood Plan (2021) -A Spatial Plan for the Parish

P1.2 Development proposals outside of the (Built-Up Area) boundaries will be supported where they conform, as appropriate to their location in the neighbourhood area, to national, HDPF policies in respect of development in the countryside.

### National Planning Policy Framework (2023)

4.6 Central Government advice relevant to this Appeal is contained within the National Planning Policy Framework (2023). The most relevant aspects of the Framework are summarised below.

4.7 The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present, without compromising the ability of future generations to meet their own needs.

4.8 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. Paragraph 8 identifies the three dimensions to sustainable development, which are economic, social, and environmental.

4.9 Section 6 'Building a strong, competitive economy' notes that planning should help create the conditions in which businesses can invest, expand, and adapt. It notes that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

4.10 Section 11 'Making effective use of land' seeks to promote an effective use of land in meeting the need for homes and other uses. Paragraph 124 promotes and supports the development of under-utilised land and buildings.

4.11 Chapter 12 aims to achieve well-designed and beautiful places. Planning policies and decisions should ensure developments will function well and add to the overall quality of the area, are visually attractive and sympathetic to the surrounding built environment and setting, whilst achieving a high level of amenity for existing and future users (paragraph 135).

4.12 Paragraph 114 is relevant as the planning system should ensure safe and suitable access can be achieved for all users.

4.13 Paragraphs 185 and 186 of the Framework relate to the conservation of habitats and biodiversity.

## 5. RELEVANT PLANNING HISTORY

5.1 *DC/20/0996 Change of use of part of ground floor of existing B1/B8 commercial building to ancillary kitchen showroom (A1) with re-cladding of exterior walls and roof and replacement windows and doors-*

Application Permitted on 07.10.2020

5.2 *DC/17/2554 Erection of storage building, alterations to crossover and access and provision of 6 parking spaces (minor amendment to previously approved DC/17/1246)-*

Application Permitted on 27.12.2017

5.3 *DC/10/0650 Use of barn for storage, distribution and finishing of furniture (B8/B1), widening of existing access and provision of hardstanding-*

Application Permitted on 28.07.2010

5.4 *DC/22/1790 Change of use of land to lorry turning and delivery area and creation of hardstanding (retrospective)*

Application refused on 12/06/2024 on the grounds of perceived harm to the rural character, landscape and appearance of the site and surrounding area.

No biodiversity harm was indicated.

## 6. THE APPEAL CASE

### Matters of Dispute

6.1 The following section addresses the matters of dispute between the appellant and the Local Planning Authority

6.2 Those matters are found within the refusal reasons as cited in Paragraph 1.2 of this Appeal Statement.

6.3 This section of the Statement demonstrates how the retrospective application is in accordance with each policy upon which the refusal reason is based.

### Local Plan Policy 2 (RFR 1)

6.4 The proposed retrospective development is set to the rear of an established commercial employment site. The area of land under appeal adjoins the lawful boundary of the existing site and is therefore closely associated with and used in conjunction with the existing employment site. Prior to the laying of gravel on the appeal area, due to the need for this thriving local business to expand, the use of the additional area of land was brought into

commercial use, and it is through this appeal that the appellant wishes to formalise a change of use of the land, by way of its use for purposes associated with car detailiing.

6.5 Given that the Appeal Site is located within a cluster of buildings which contains the appellant's employment site, it is argued that the original rural character of the area has been eroded to some extent by the siting of the exisitng commercial site within the countryside. However, having been lawfully established for over 20 years, the site has blended into the rural landscape setting.

6.6 This Appeal seeks retropspective planning permission for the laying of gravel hardstanding and the use of the area for business expansion. There would be no buildings that would have an impact on the visual openness of the rural area.

6.7 The laying of gravel hardstanding is intrinsic to the proposed change of use and it is accepted that the use of hardstanding and boundary fencing may have some spatial impacts where previously there was grassland which had grown over existing hardstanding. An aggregate surface exiated benetah the grassland for several years, but had become devoured by, and blended into, the natural landscape over time. However, the appellant is willing to accept planning conditions whereby a suitable landscape scheme may be produced to mitigate any landscape impacts by way of hardstanding, boundary treatments or the proposed commercial use.

6.8 The change of use of the land arose to help the business uses at the site expand. Another application LPA Ref: DC/22/1790 was submitted to the Council in September 2022 to change the use of the land for lorry turning and delivery area. As the appellant waited a considerable period of time for a decision of the application, he diversified business activities to use vacant space in his commercial units and the subject area of land for car detailing of luxury vehicles and their online sales. Those sales are made either by delivery or on a click and collect basis.

6.9 In light of the above, and should this appeal be successful, the employment site and its functions shall be protected, ensuring sustainable growth within the rural economy.

6.10 Policy 2 of the Local Plan allows for flexibility within planning policies and where any harm to landscape is perceived, the opportunity should be provided to the appellant to mitigate any landscape harm and thus protect rural character.

### Local Plan Policy 10 (RFR 1)

6.11 The supporting text to Local Plan Policy 10 stresses the importance of the wider rural economy and in particular how businesses such as that which exists at the appeal site , where the appellant resides in an adjacent dwelling, must have the opportunity to expand. To this end, the Council should have taken a positive approach to the development.

6.12 The proposed development is an example of how sustainable rural development can be expanded. The established commercial use generates local employement which has increased due to expansion, providing economic and social benefits for local employees and their families and adding vitality to the local economy.

6.13 The appellant states that two full time employees have been added to the workforce at the site as a result of the proposed retrospective use.

6.14 Any perceived visual impacts of the development may be mitigated by an appropriate and agreed landscape scheme that would assist environmental value at the site and protect the character of the area.

6.15 Given the above, the proposed development demonstrates inherent sustainable qualities.

6.16 Expansion of the commercial site shall contribute to the wider economy and given that a landscape scheme shall be implemented that will shroud the commercial site from longer distance views, the proposal shall result in substantial environmental improvement and reduce the impact on the countryside.

6.17 Item 2 of Policy 10 is met; the development would have no harmful impacts on the safe access and egress of vehicles to the site whilst accessible, adequate, employee and customer car parking shall be retained.

6.18 In light of the above and in accordance with the criteria of Local Plan Policy 10, the development proposal should be encouraged.

### Local Plan Policies 25 and 26 (RFR 1)

6.19 Policies 25 and 26 have similar aims in that they exist to help ensure the protection of the rural countryside outside built up areas through the promotion and implementation of sustainable development that protects the landscape and does not lead to significant levels of intensification of use.

6.20 Policy 25 recognises that sustainable business uses are required to sustain the social and economic needs of rural communities. The sustainable merits of the expansion of the commercial site have been explored and demonstrated in Appeal Statement and therefore, so long as the landscape is protected and the required change of use of the land is not shown to cause significant intensification of use of the site, then the requirements of Policies 25 and 26 are met.

6.21 The appellant is willing to accept and comply with planning conditions to ensure adequate landscape protection. It is accepted that, unless able to be screened, the existing boundary fencing is somewhat unsuitable for the character of the site within the countryside landscape.

6.22 Therefore, conditions could be applied to provide adequate screening and post and rail fencing to the boundaries of the site that are visible within the wider landscape.

6.23 It is pertinent to note here that the development proposal underwent consultation with the Landscape Team at Horsham District Council who did not object to the proposed scheme, but required:

*'some clarity on layout needs to be provided in terms of extent of site and hardstanding area in order to prevent encroachment further into the field. A revised plan should indicate the hard standing perimeter, the alignment of existing fences and new planting as well as the position of existing retained hedgerow and trees within the ownership boundary.'*

6.24 The landscape team had no firm objection to the retrospective proposal and considered that any landscape impacts could be mitigated by the following details being submitted:

• *Detailed soft landscape plan; this should include plant species, number, density/spacing, location and sizes of the proposed planting.*
• *Detailed boundary treatment plan that clearly shows the position of fencing in relation to existing and proposed planting.*
• *Detailed hard landscape plan that includes material, pattern, finish, colour and location of hardstanding areas.*
• *Landscape Management Plan for a minimum of 5 years and maintenance work schedule.*

6.25 The appellant is willing to implement the suggested landscape features as part of a landscape planning condition/s.

6.26 The proposed development of the site is at an appropriate scale for its purposes and the use of land would not intensify the use of the land to a significant and harmful extent. The use of the land would be limited; there are approximately 15 vehicle deliveries and collections per week and the turn around of vehicles from delivery, through to detailing and sale is swift.

6.27 It is pertinent to note that the development proposal underwent consultation with the Environmental Health Team (EHO) at Horsham District Council who visited the site, met with the appellant and made no objection to the scheme.

6.28 The EHO did not recommend any planning conditions.

6.29 The appellant is willing to accept and comply with any planning condition/s that may be used to mitigate any perceived environmental impacts.

6.30 Further, the officer delegated report issued alongside the decision notice for the Appeal case notes that:

*'the assessment from the LHA satisfactorily concludes that the proposal (bespoke detailing of vehicles) is not considered to give rise to a significant intensification in expected vehicle movements, and therefore 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 115.'*

6.31 Therefore, considering the above, the proposed retrospective development is demonstrated to accord with the requirements of Local Plan Policies 25 and 26.

### Local Plan Policy 33 (RFR 1)

6.32 The refusal reason given by the Council stated that the development was contrary to Policy 33. The purpose of the policy is to conserve and enhance the natural and built environment by using land efficiently, protecting neighbouring amenity, appropriate design and landscape.

6.33 The refusal reason states that it is the *'scale and nature of the proposed use'… 'which would be harmful to the rural character, landscape and appearance of the site and surrounding area',* and therefore it is the matters of preservation of the local environment and the design and landscape of the scheme that has been adjudged to fail the requirements of Local Plan Policy 33.

6.34 As alluded to in previous paragraphs, the scale of the area of hardstanding is the minimum that is required for the proposed use. Prior to the laying of hardstanding at the rear of the site, the area of land was used for ad hoc storage as the thriving business spilled onto land owned by the applicant. Despite being in a rural area, the land area was not in agricultural use, and the use of the land in conjunction with business makes the most effective use of that land.

6.35 Furthermore, as stated in Paragraphs 6.19-6.23, the appellant is willing to mitigate any perceived impacts on the landscape and the character of the area.

6.36 It is noted that the planning refusal reason is not made on the grounds of the amenity element of Local plan Policy 33.

### Policy 3.2 of the Henfield Neighbourhood Plan (RFR 1)

6.37 Policy 3.2, cited in the refusal reason, states that the expansion of employment uses will be supported provided the expansion can be accommodated within the curtilage of the existing employment site, that there shall be no access or parking impacts and the provision and maintenance of effective screening by trees or woodland planting along the boundaries of the site.

6.38 No highways harm has been identified by the proposed scheme and there would be no significant, harmful intensification of the use of the land.

6.39 It has been demonstrated within this statement how the appellant is willing to effectively screen the site by way of the suggested boundary treatments.

6.40 However, it is accepted that there is some conflict with part of Policy 3.2, as the development is not accommodated within the previously agreed boundary of the commercial site. However, this is a matter to be weighed within the planning balance, any perceived harm can be mitigated and the change of use of the land outside of the existing commercial curtilage is the essence of this appeal. Policy 3.2 does not state that proposed developments outside of an existing curtilage should be refused, merely that support from the neighbourhood plan is not given.

### Local Plan Policy 31 (RFR 2)

6.41 The appellant strongly contends that refusal reason 2 carries little weight and has been applied unnecessarily.

6.42 Whilst it accepted that the delegated report issued with the decision notice contains details of a consultation response from Natural England to advise a 'holding objection', it is clear from the delegated report has been issued on the grounds of an increase of two employees on the site and those two employees washing their hands and going to the toilet.

6.43 The officer believes that this minute intensification of use of water at the site is harmful enough to constitute a reason for the refusal of the planning application because of the absence of a water neutrality statement.

6.45 The details of Local Plan Policy 31, upon which refusal reason 2 relies, states that:
***Any development with the potential to impact Arun Valley SPA or the Mens SAC*** *will be subject to a HRA to determine the need for an Appropriate Assessment.*

6.46 The appellant argues that tan additional two persons occasionally washing their hands and perhaps using the WC does not have the potential to cause any impacts on any designated biodiversity sites or habitats and refusal reason 2 has been applied onerously.

## 7. THE PLANNING BALANCE

7.1 The planning appeal is judged from an 'even balance' starting point.

7.2 There are merits to the retrospective scheme. The retrospective proposal for the change of use of the land will allow for further expansion of the business and the economic and social benefits that this brings to the rural community. Therefore, this matter is afforded significant weight in the planning balance.

7.3 Further, the retrospective development will make a positive contribution to the character and appearance of the area in that the appellant is willing to enhance the landscape views of the wider site by way of the provision of landscape features as suggested by the Landscape Team at Horsham District Council. This matter would be delivered as mitigation of the scheme and is therefore afforded some weight as a moderate benefit.

7.4 Although specific amenity concerns have not been identified by the Council in their refusal reason, the appellant is willing to work with the Council to ensure that there would be no harmful impacts by way of noise and disturbance from the site, by way of a noise management scheme and restricted hours of operation. As such measures would be conditional on an allowed appeal, they are offered neutral weight in the planning balance.

7.5 As is demonstrated within this statement, the proposed development is considered to comply with Local Plan Policies 2, 10, 25, 26 and 33 of the Horsham District Planning Framework (2015), no material harm can be identified and in line with the premise of Section 38 (6) of the

Planning and Compulsory Purchase Act 2004, compliance with the Local Plan is a matter that carries significant weight in the planning balance.

7.6 The retrospective scheme conflicts with a part of Policy 3.2 of the Henfield Neighbourhood Plan. However, the conflict goes to the heart of the matter being decided by this application, and that is the expansion of the site by way of the change of use of a section of land outside of the curtilage, and the Policy does not state that any application for the change expansion of land outside of the curtilage should be refused, rather that the Neighbourhood Plan does not offer its support. This matter then is afforded a weighting of moderate harm through non-compliance.

7.7 The appellant considers that refusal reason 2 has been applied unnecessarily and onerously; no further details in relation to the use of water is required.

| MATERIAL CONSIDERATION | BALANCE WEIGHTING |
|---|---|
| Facilitation of business expansion | **Significant Benefit** |
| Compliance with the Local Plan | **Significant Benefit** |
| Landscape Enhancement | **Moderate Benefit** |
| Noise Mitigation | **Neutral Impact** |
| Disputed conflict with Policy 31 of the Local Plan | **Neutral Impact** |
| Conflict with Policy 3.2 of the HNP | **Moderate Harm** |

*Planning Balance*

7.7 Overall, the proposed development accords with the Local Plan, the identified benefits significantly outweigh any perceived harm, and the planning balance falls towards the allowance of this appeal.

## 8. CONCLUSIONS

8.1 The appeal relates to a retrospective use of a previously unused, limited parcel of land which adjoins a small commercial site which has been in the ownership and use of the appellant for

over 20 years. The use of the land in relation to car detailing was established whilst waiting for a long-overdue planning application to be decided by the LPA.

8.2 Continued expansion of the business operations at the site and changes to the business make-up since the pandemic has meant that utilisation of the land to the rear of the site has become necessary. The use of the site for the construction of larger items such as shepherd's huts and outbuildings has been scaled-back since the Council did not respond to an application for the use of the land for turning and loading, and so the land was put to other uses.

8.3 The proposed retrospective use is low-key but is vital to the continued expansion and viability of business operations.

8.4 As is set out in this Appeal Statement, the appellant is willing to comply with any planning conditions that would mitigate concerns about landscape or any other matters.

8.5 The details of this statement demonstrate that the scheme is policy compliant or can be made to be policy compliant by way of appropriate conditions, and because of this position the Planning Balance is weighted heavily in favour of the allowance of the appeal.

8.6 As such, and respectfully, the inspector is asked to allow the appeal.

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