Planning Inspectorate

Appeal Decisions

Site visits made on 9 April 2025

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal A Ref: APP/Z3825/W/24/3348204
Marthas Barn Warehouse, Wheatsheaf Road, Henfield, West Sussex BN5 9AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr L Pennant against the decision of Horsham District Council.
- The application Ref is DC/22/1790.
- The development is change of use of land to lorry turning and delivery area and creation of hardstanding.

Appeal B Ref: APP/Z3825/W/24/3349401
Marthas Barn Warehouse, Wheatsheaf Road, Henfield, West Sussex, BN5 9AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr L Pennant against the decision of Horsham District Council.
- The application Ref is DC/23/2311.
- The development is change of use of land for works associated with bespoke detailing and distribution of premium vehicles.

Decisions

1. Appeal A is dismissed.

2. Appeal B is dismissed.

Preliminary Matters

3. Since the refusals of the applications, the revised *National Planning Policy Framework* (the Framework) was published on 12 December 2024. I have had regard to the latest version in reaching my decision. Whilst paragraph numbers have changed, the policies of the Framework most relevant to the appeal have not altered so substantially as to affect the matters raised by the main parties. Therefore, there is no requirement for me to seek their views on this matter, and I am satisfied that this approach would not prejudice any party's interests.

4. Having regard to both appeals, the planning applications were submitted retrospectively. I have dealt with the appeals accordingly. Notwithstanding that the developments have already taken place I have dealt with the appeals on the merits of the appeal schemes.

5. The appellant has drawn my attention to an error in respect of the blue line on the submitted location plans so that the land outside the appeal site within the appellant's ownership is larger than shown on the plans in respect of the boundary with the adjacent site at Hollinger. Whilst I have noted the error, this does not affect my appeal decisions since it does not affect the appeal site boundaries.

Main Issues

6. The following main issue is common to both appeals:

- The impact of the appeal scheme on the character and appearance of the area.

7. There is also another main issue in respect of Appeal B, which is:

- The impact of the appeal scheme on the integrity of the Arun Valley European Protected Sites (EPS).

Reasons

Background to both appeals

8. The existing commercial use of the appeal site emanates from approval[1] of a Class B1/B8 use within an existing agricultural barn which formed part of a wider land holding associated with the neighbouring property to the east known as Hollinger. This building already had an established small-scale B1/B8 use[2] in connection with an agricultural trenching business.

9. This permission included the widening of the existing vehicular access from Wheatsheaf Road and the provision of a hardstanding area to the north (front) side of the barn.

10. The approved business at the site comprises the storage, distribution and finishing of furniture. This business enterprise has expanded during the past 15 years since planning permission was originally granted. Notably, the growth included the provision of an additional large 5-bay Class B8 use storage barn positioned to the west of the original barn[3], as well as the inclusion of an internal kitchen/furniture showroom within part of the ground floor of the original barn[4].

11. Having regard to, amongst other things, the rural location of the appeal site and the visual amenities of the countryside, the permitted commercial use of the appeal site is tightly controlled through numerous conditions attached to the previous planning approvals. These include restricting the use of the buildings to Class B1/B8 uses only in connection with the 'storage, distribution and finishing of furniture', only allowing a small ancillary showroom element in one of the buildings and prohibiting a trade counter therein, restricting external storage to an area to the rear of the original barn, restricting external lighting and floodlighting, and preventing the introduction of any new independent uses within the site.

12. The appellant owns an additional parcel of land which extends southwards from the appeal site. Notwithstanding this, the approved commercial curtilage only extends for a limited distance beyond the rear of the first barn, to a point which roughly aligns with the rear wall of the adjacent dwelling at Hollinger.

13. I saw during my site visit that other additional activities are currently taking place on the appeal site. These include a car sales business to the rear of the storage barn which contains an external car display area and car sales cabin on land which has been laid to hard core and enclosed by timber panel fencing. Other

[1] LPA Ref DC/10/0650 - granted 28 July 2010
[2] LPA Ref HF/32/94 – granted 5 October 1994 and LPA Ref HF/31/94 – granted 6 October 1994
[3] LPA Refs DC/17/1246 - granted 17 July 2017 and DC/17/2554 – granted 27 December 2017
[4] LPA Ref DC/20/0996 – granted 7 October 2020

independent commercial uses were also evident within parts of the storage barn, including scaffolding and camper van restoration companies.

14. I also saw that commercial activities have encroached onto the appellant's land outside the appeal site. These include outside storage of shipping containers and similar temporary structures together with miscellaneous items which appeared to relate to a shipping container home conversion business.

15. As such, development has occurred on and adjacent to the appeal site which reasonably appears to have intensified the amount of, and ground area given over to, commercial activity over and above that described in the planning history before me.

16. For the avoidance of doubt, my appeal decisions are based on the aforesaid approved use and built development of the appeal site as a starting point for my consideration of the main issues in respect of these appeals.

Character and appearance – Appeal A and Appeal B

17. The appeal site is outside the designated settlement boundary within open countryside to the northeast of Henfield. It lies to the south of the B2116 Wheatsheaf Road, from which vehicular access is obtained. The area is characterised by a patchwork of open fields, bounded by trees, hedges and post and rail fencing, with wooded areas interspersed throughout. Built development, which includes dwellings, agricultural buildings and commercial properties, is sparse and is sporadically located within a predominantly open and undeveloped landscape.

18. The buildings on the appeal site, together with a small group of dwellings to the east of the site, comprise a cluster of built development along this part of the road. This group is surrounded by open fields to the west, east and south, and a wooded area on the opposite side of the road.

19. The approved commercial use of the appeal site takes place within two portal frame barn structure buildings which are juxtapositioned in relation to each other and the site frontage such that there is a courtyard between the front walls of the buildings and the road frontage. This layout of buildings is akin to that which is typical of a farmyard.

20. Moreover, because only a short area of land to the rear of the buildings is included within the approved commercial curtilage, the permitted commercial use of the appeal site has a compact layout of development which does not extend southwards beyond the southernmost part of the adjacent residential properties.

21. With the above in mind, and having regard to the relevant planning history leading up to the current permitted commercial operations on the appeal site, I find that, notwithstanding that a commercial use of the site has been lawfully established for over 20 years, the approved use of the appeal site relates well to its surroundings both in terms of the group of residential properties to the east and the undeveloped open countryside which surrounds it, so that it does not unduly harm the character and appearance of the area.

22. There are two appeal schemes before me, each the subject of its own separate appeal. Both appeal schemes involve development on the same rectangular piece

of land to the south of the storage barn and outside the boundary of approved commercial use.

23. The scheme the subject of Appeal A comprises the formation of a gravel/scalping hardstanding area to provide a lorry turning and delivery area involving a 25m diameter turning circle to accommodate articulated lorries, an area for forklift loading and unloading and additional on-site car and large goods vehicle (LGV) parking spaces to the rear of the storage building.

24. The scheme the subject of Appeal B also involves the formation of hardstanding and the provision of a 25m diameter turning circle but also includes the use of land to the rear of the storage building for the '*bespoke detailing and distribution of premium vehicles'*. This scheme involves a larger area of land than that which is the subject of Appeal A, with the appeal site extending further southwards.

25. The evidence before me is that prior to the unlawful installation of development the subject of Appeal A and Appeal B several years ago, this parcel of land remained open and grassed as part of a larger field within the appellant's ownership to the rear of the appeal site.

26. The schemes the subject of both Appeal A and Appeal B significantly increase the amount of built development associated with the existing business use of the site. They result in a long rectangular block of built development which protrudes into the grassed field to the rear of the site. The large area of hard surfacing significantly erodes the undeveloped green open character of the field which forms an integral part of the prevailing wide agrarian landscape comprising large open fields. Moreover, the light colour of the surface material serves to visually emphasise the extent of encroachment of built development into the open field.

27. Both appeal schemes diminish the size of the field, subdividing it through the introduction of two artificial field boundaries which do not relate to the alignment and position of the existing field boundaries.

28. In addition to the hard standing, openness is further eroded by the introduction of commercial activity and the presence of vehicles within this area. In the case of the Appeal A scheme, this involves the turning of LGVs and HGVs delivery lorries, including stopping to facilitate forklift loading/unloading.

29. In the case of Appeal B, in addition to the aforesaid loading and unloading activities, the appeal scheme also includes the parking of vehicles on the site prior to being sold on-line and then either delivered or picked up by the purchasers. The scheme also involves activities associated with the preparation of the cars, including valeting, window tinting and car wrapping.

30. Although a vehicle parking layout has not been provided as part of the Appeal B planning application, the appellant's supporting information indicates that 50 vehicles can be accommodated on the site. As such, notwithstanding that no new buildings form part of the appeal scheme, this represents a significant visual intrusion and reduction of rural openness.

31. The overall result in the case of both Appeal A and Appeal B is an urbanising encroachment into the rural grassland, which is at odds with the prevailing open undeveloped nature of the surrounding patchwork of fields. This harmfully erodes

the green and open nature of the field which forms part of the intrinsic landscape character of the countryside within which the appeal site lies.

32. Moreover, the scheme which is the subject of Appeal B introduces a use to the land which involves the display and sales of vehicles, which would be more typically associated with a built-up urban location or an industrial estate rather than undeveloped rural land. Within the context of the appeal site the presence of such vehicles, together with the use of the site by large delivery lorries, adds to the urban appearance of this part of the appeal site.

33. I acknowledge the appellant's willingness to accept a planning condition to require appropriate boundary treatment and/or new landscaping to be provided, and that in the appellant's view this would ensure that the development the subject of both appeals is appropriately screened in wider views from the surrounding countryside.

34. The replacement of the existing panel fencing with post and rail fencing would be more in keeping with the site's rural surrounds. However, this would result in a greater visual exposure of the appeal schemes. Whilst the introduction of new landscaping could soften the visual appearance of the built development, this does not outweigh or justify the intrinsic landscape harm I have identified through encroachment onto undeveloped land, having regard to the cumulative amount of new built development and its design and layout.

35. Moreover, I cannot be certain that any approved landscaping scheme would be implemented and thereafter remain, and this is not a reason to allow development that is unacceptable.

36. The appellant states that ad hoc storage in connection with the appellant's business previously spilled out onto the land the subject of both appeal schemes. It is also stated that hardstanding previously existed on this land, which has subsequently become grassed over. However, notwithstanding a copy of a letter from a former employee included within the appellant's supporting statement, which has no plan attached, there is no cogent evidence or planning history before me to confirm that the land the subject of both appeals has previously been lawfully developed by means of built development.

37. The appellant has also confirmed that the land within its ownership to the rear of the appeal site was not in agricultural use. This does not negate the harm to the character and appearance of the area that I have identified through the erosion of a large green open field which forms part of the prevailing landscape character whether actively farmed or not.

38. For the above reasons, I therefore conclude that the schemes the subject of both Appeal A and Appeal B materially harm the character and appearance of the area. As such, they are contrary to Policies 2, 10, 25, 26 and 33 of the *Horsham District Planning Framework (excluding South Downs National Park)* (November 2015) (the HDPF) and Policy 3.2 of the *Henfield Neighbourhood Plan* (May 2021) (the HNP).

39. These policies, amongst other things, seek to ensure that new development in the countryside protects, and/or conserves and/or enhances the key features and characteristics of the landscape character in which it is located, is of an appropriate scale to its countryside character and location, is of a high standard of design and layout and where relevant relates sympathetically with the landscape

within and adjoining the site. It should also be essential to its countryside location and extensions to existing employment uses outside the built-up area boundary should be accommodated within the curtilage of an existing employment site.

40. For similar reasons, both appeal schemes would also be contrary to Chapters 12 and 15 of the Framework which seek to achieve well-designed places and conserve and enhance the natural environment.

EPS – Appeal B

41. Natural England has issued a 'Position Statement' in respect of planning applications within the Sussex North Water Supply Zone (SNWSZ). This states that it cannot be concluded, with the required degree of certainty, that existing groundwater abstraction within this zone is not having an adverse effect upon the integrity of the Arun Valley SAC, SPA and Ramsar sites.

42. Pending the development of an approved strategic water-neutrality strategy, Natural England's advice is that new development within the SNWSZ should not add to this impact by reason of water-use, and that it should not be approved unless it can be demonstrated that it is 'water neutral' in respect of the use of mains-water and/or would not contribute to the known adverse effect upon the integrity of the Arun Valley EPS.

43. The Council is concerned that the Appeal B scheme results in an increased water demand on top of that associated with the lawful use of the site due to additional water use associated with 2 extra employees with no proposed mitigation strategy to off-set this.

44. Within the context of the appeal, the responsibility for assessing the effects of the proposal on the EPS falls to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, by seeking further comments from both main parties. I would also need to undertake an Appropriate Assessment (AA) of the implications of the Appeal B scheme for the European designated sites.

45. However, as the first main issue provides clear reasons for dismissing Appeal B, the outcome of any such AA would have no bearing on the overall outcome of this appeal. There is therefore no need for me to consider this matter any further as part of my decision.

Other Matters - Appeals A and B

46. The appellant argues that, having regard to the large vehicle turning circle element of both appeal schemes, the developments in each case are essential for the safe operation of the commercial use of the appeal site. As such, the appellant considers this to be a significant benefit in favour of both appeal schemes.

47. The Council Highways Authority has confirmed that there have been no recorded injury accidents within the site vicinity over the past 5 years. Moreover, the appellant has not provided any substantive evidence of any such accidents or specific details of any on-site operational traffic incidents which have been prejudicial to safety.

48. As such, and noting that the appellant anticipates that that there would only be 3-5 HGVs or large deliveries per week, I find that there is no substantive evidence before me that the provision of the large vehicle turning area comprising the Appeal A scheme and part of the Appeal B scheme (to operate in addition to the vehicle detailing and distribution use) is essential for the safe operation of the lawful business use of the appeal site.

49. My view is reinforced by the fact that the parking, turning and access arrangements of the lawfully approved development on the appeal site are the subject of planning conditions[5], which show vehicular access and on-site turning space to the front of the original barn and parking spaces adjacent to the west side of this building.

50. Moreover, the Council has demonstrated that it would be possible to accommodate a turning circle of the required 25m diameter size to the front of the buildings, within the area of lawful commercial use. In addition, there is no substantive evidence before me that there would be insufficient room within the approved commercial area of the site to accommodate additional customer parking to that shown on previously approved plans to serve the approved business use of the site in a position which would not conflict with on-site turning, for example within the areas of land to the rear of both buildings.

51. As such, based on the evidence before me, in the planning balance, I am unable to afford weight to highway safety as a benefit of either of the Appeal A or Appeal B schemes.

52. The appellant is also of the view that the potential to introduce landscape enhancements to the appeal site as a whole is a moderate benefit of both appeal schemes. However, I am not persuaded, on the evidence before me, that either appeal scheme could provide landscape enhancements to the approved on-site development that would be notably greater than those that would be achieved by full compliance with the landscaping conditions attached to the previous planning permissions for the lawful commercial use of the site.

53. The appellant also cites the ability to aid future business expansion as a significant economic benefit of both schemes. In the case of Appeal A, having regard to my conclusion above in respect of any highway safety benefits associated with the development and given a lack of any other specific details from the appellant. I am unable to conclude that this scheme specifically aids the expansion of the business to generate additional local employment opportunities and economic and social benefits to the local community. As such, I afford this minimal weight in my consideration of Appeal A.

54. In the case of Appeal B, the appeal scheme results in an additional business operating from the appeal site, which is facilitated by the appellant being involved in the pre-distribution valeting of vehicles, resulting in the creation of 2 additional full-time employees on the appeal site and involving circa 15 vehicle deliveries and collections per week.

[5] In accordance with Drg No.1414/17/P/01B of PP Ref DC/17/2554 and Drg No.1537/19/P01C of PP Ref DC/20/0996

55. The appellant has not provided specific supporting details to evidence its statement that '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'.

56. Accordingly, having regard to the above, in the case of Appeal B, I afford moderate weight to the economic benefits associated with the scheme based upon the business details provided, noting that the number of additional staff and vehicle exchanges are moderate, and that the appellant describes the business as 'low-key'.

57. The Framework and development plan policies give support to the sustainable growth of rural businesses recognising that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. However, this does not negate the need to ensure that development is sensitive to its surroundings.

58. In the case of both Appeal A and Appeal B, the harm I have identified to the character and appearance of the area is significant, so that the environmental objective of the Framework is not achieved. This harm is not outweighed or justified by the minimal economic benefits associated with Appeal A or the moderate economic benefits associated with Appeal B.

59. The council's reasons for refusal have raised no objection to both appeal schemes in respect of other matters including highway safety, parking and impact upon neighbouring living conditions. However, such matters are requirements of other development plan policies, and a lack of identified harm is a neutral factor in the planning balance.

Conclusion

60. The developments the subjects of appeals A and B conflict with the development plan taken as a whole and there are no material considerations, including the Framework, to suggest the decisions should be made other than in accordance with the development plan.

61. Therefore, for the reasons given above, I conclude that both **Appeal A** and **Appeal B** should be dismissed.

S Leonard

INSPECTOR