Planning Inspectorate

Appeal Decisions

Site visit made on 22 July 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th September 2025

Appeal A Ref: APP/Z3825/W/25/3364754
Bridge Farm, Coolham Road, Coolham, West Sussex RH13 8GP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr S Ellis of Prestige Packaging Solutions Ltd against the decision of Horsham District Council.
- The application Ref DC/24/1645, dated 21 October 2024, was refused by notice dated 7 April 2025.
- The application sought planning permission for the redevelopment of existing haulage yard to include replacement of existing building for storage and office purposes, resurfacing and expansion of yard area for the parking of distribution vehicles and alterations to the existing access without complying with conditions attached to planning permission Ref DC/19/1271, dated 19 August 2019.
- The conditions in dispute are Nos 7 and 8 which state that:

  (7) The premises and use hereby permitted shall not be open for trade or business except between the hours of 07:00 hours and 18:30 hours Mondays to Fridays and 07:00 hours and 13:00 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.

  (8) No works, including the loading and unloading of vehicles, maintenance of the vehicles, or the operation of any power tools, shall be undertaken on the site except between the hours of 07:00 hours and 18:30 hours Mondays to Fridays and 07:00 hours and 13:00 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.

- The reason given for both conditions is: To safeguard the amenities of the neighbouring property to the south in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Appeal B Ref: APP/Z3825/W/25/3364755
Bridge Farm, Coolham Road, Coolham, West Sussex RH13 8GP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr S Ellis of Prestige Packaging Solutions Ltd against the decision of Horsham District Council.
- The application Ref DC/24/1661, dated 24 October 2024, was refused by notice dated 7 April 2025.
- The application sought planning permission for the erection of new building over HGV parking area without complying with conditions attached to planning permission Ref DC/22/1986, dated 28 July 2023.
- The conditions in dispute are Nos 5 and 6 which states that:

  (5) The premises and use hereby permitted shall not be open for trade or business except between the hours of 07:00 hours and 18:30 hours Mondays to Fridays and 07:00 hours and 13:00 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.

(6) No works, including the loading and unloading of vehicles, maintenance of the vehicles, or the operation of any power tools, shall be undertaken on the site except between the hours of 07:00 hours and 18:30 hours Mondays to Fridays and 07:00 hours and 13:00 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.

- The reason given for both conditions is: To safeguard the amenities of the neighbouring property to the south in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Decision

1. Appeal A is allowed, and planning permission is granted for the redevelopment of existing haulage yard to include replacement of existing building for storage and office purposes, resurfacing and expansion of yard area for the parking of distribution vehicles and alterations to the existing access at Bridge Farm, Coolham Road, Coolham, West Sussex RH13 8GP in accordance with the application Ref 24/01673/FUL without compliance with condition numbers 7 and 8 previously imposed on planning permission Ref DC/19/1271, dated 19 August 2019 and subject to the following conditions:

    (7) The premises and use hereby permitted shall not be open for trade or business except between the hours of 07:00 and 18:30 Mondays to Fridays and 07:00 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays with the exception of the following:

        1. Between the hours of 05:00 and 07:00 Mondays to Saturdays up to three vehicles of two axles and a weight up to 18 tonnes shall be permitted to enter the site and the drivers depart in private vehicles.

        2. Between the hours of 06:00 and 07:00 Mondays to Saturdays the arrival of staff in private vehicles and use of the office.

    (8) No works, including the loading and unloading of vehicles, maintenance of the vehicles, or the operation of any power tools, shall be undertaken on the site except between the hours of 07:00 and 18:30 Mondays to Fridays and 07:00 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays, with exception of the following:

        1. Between the hours of 05:00 and 07:00 Mondays to Saturdays up to three vehicles of two axles and a weight up to 18 tonnes shall be permitted to enter the site and the drivers depart in private vehicles.

        2. Between the hours of 06:00 and 07:00 Mondays to Saturdays the arrival of staff in private vehicles and use of the office.

2. Appeal B is allowed, and planning permission is granted for the erection of new building over HGV parking area at Bridge Farm, Coolham Road, Coolham, West Sussex RH13 8GP in accordance with the application Ref DC/24/1661 without compliance with condition numbers 5 and 6 previously imposed on planning permission Ref DC/22/1986, dated 28 July 2023 and subject to the following conditions:

    (5) The premises and use hereby permitted shall not be open for trade or business except between the hours of 07:00 and 18:30 Mondays to

Fridays and 07:00 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays with the exception of the following:

1. Between the hours of 05:00 and 07:00 Mondays to Saturdays up to three vehicles of two axles and a weight up to 18 tonnes shall be permitted to enter the site and the drivers depart in private vehicles.

2. Between the hours of 06:00 and 07:00 Mondays to Saturdays the arrival of staff in private vehicles and use of the office.

(6) No works, including the loading and unloading of vehicles, maintenance of the vehicles, or the operation of any power tools, shall be undertaken on the site except between the hours of 07:00 and 18:30 Mondays to Fridays and 07:00 and 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays, with exception of the following:

1. Between the hours of 05:00 and 07:00 Mondays to Saturdays up to three vehicles of two axles and a weight up to 18 tonnes shall be permitted to enter the site and the drivers depart in private vehicles.

2. Between the hours of 06:00 and 07:00 Mondays to Saturdays the arrival of staff in private vehicles and use of the office.

Background and Main Issue

3. The appeal site is occupied by a small pallet distribution depot called Prestige Packing. Appeal A relates to the variation of two conditions imposed on an application for the redevelopment of the haulage yard to include replacement building, resurfacing and the expansion of the yard area. Appeal B relates to the variation of two conditions imposed on an application for the erection of new building over the HGV parking area. Despite the appeals relating to different applications, they seek to vary identical conditions, as conditions 7 and 8 on Ref DC/19/1271 are identical to conditions 5 and 6 imposed on planning permission Ref DC/22/1986.

4. The two conditions seek to control the times that the business can operate and when loading and unloading of vehicles, vehicle maintenance, or the operation of power tools can occur. The original conditions prevented the business from operating before 7am. The proposed variation would extend the operating hours of the site and enable up to three vehicles of two axles and a weight up to 18 tonnes to enter the site between 05:00 and 07:00 Mondays to Saturdays. In addition, between the hours of 06:00 and 07:00 on Mondays to Saturdays it would permit the arrival of staff in private vehicles and use of the office.

5. Given the conditions are identical, I have combined the decisions into a single decision letter. Therefore, the main issue in Appeals A and B is the effect of varying the operating hours on the living conditions of neighbouring residents.

Reasons

6. The appeal site is accessed from Coolham Road and is in the countryside outside of any designated settlement boundary. Coolham Road runs northwards from Coolham Village towards Brooks Green. On its southern boundary the site neighbours a similar sized commercial yard to the appeal site. The nearest dwelling is located

adjacent to the site access, is owned by the appellant and screened by a close boarded fence. The only other property in the vicinity of the appeal site is Rowan House which lies north of the site access and is separated from it by a parcel of land and a significant belt of vegetation and trees.

7. The applications are supported by an acoustic report which concludes that the proposed number of vehicle movements between 05:00 and 07:00 would be unlikely to cause a significant adverse noise impact. Given the acoustic report, vehicle movements proposed, the background noise of passing traffic, vehicles entering the site having to move slowly due to the narrow access and the site being outside of a settlement, I do not consider that the extended operating hours would adversely affect nearby properties. This is supported by my observations on site whereby I noted that the noise arising from vehicles arriving and manoeuvring was not loud when stood within the site.

8. Representations refer to the use of the site being inappropriate in its location, the site being enlarged and the use generating large volumes of traffic and lorry movements through the village, resulting in disturbance. However, the scope of this appeal is to consider the effect of the variation of the conditions relating to the times that the business can operate and when loading and unloading of vehicles, vehicle maintenance, or the operation of power tools can occur. As such it does not propose to extend the site, alter the total number of vehicle movements nor their routes to and from the yard. Given that the site is not within a settlement and the nearest property is screened and separated from the yard, the proposed additional operational hours and limited activities are unlikely to negatively affect the living conditions of neighbouring residents.

9. Reference is made to the submitted acoustic report being misleading due to it underestimating noise impacts, failing to consider the road condition, vehicle acceleration patterns and the cumulative effects of multiple HGVs'. However, given that the use of the site is lawful, the scope of the acoustic report is appropriate to address the variation to the conditions sought.

Other Matters

10. Interested parties refer to enforcement cases relating to the activities on site and non-compliance with conditions. These applications appear to have been submitted to address this matter. Should the conditions be breached in the future, it would be open to the Council to take enforcement action, if expedient to do so.

Conditions

11. The conditions suggested by the appellant have been varied following discussions with the Council. The modified versions seek to prevent larger multi axle vehicles manoeuvring and entering the site in the extended hours sought. This is because the most likely cause of disturbance would be from larger multi axle vehicles. As a result, the modified conditions are required to reduce disturbance to residents arising from vehicle movements.

Conclusion

12. In Appeal A, conditions 7 and 8 imposed on planning permission Ref DC/19/1271 should be deleted. These conditions should be replaced with the modified conditions detailed in this decision.

13. In Appeal B, conditions 5 and 6 imposed on planning permission Ref DC/22/1986 should be deleted. These conditions should be replaced with the modified conditions detailed in this decision.

14. Accordingly, Appeals A and B succeed.

V Goldberg

INSPECTOR

Appendix 1
List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/Z3825/W/25/3364754	Prestige Packaging Solutions Ltd
Appeal B	APP/Z3825/W/25/3364755	Prestige Packaging Solutions Ltd