

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

**PROPOSED RETROSPECTIVE APPROVAL FOR ERECTION OF GRASS
BUND APPROVED UNDER PLANNING PERMISSION REF DC/20/2126
BUT INCORRECTLY POSITIONED**

AT

**LOWER BROADBRIDGE FARM, BILLINGSHURST ROAD,
BROADBRIDGE HEATH, HORSHAM RH12 3LR**

PREPARED BY:

**MARK KELLY
15 ELGAR AVENUE
SURBITON
SURREY KT5 9JH**

**PLANNING STATEMENT ON BEHALF OF BURYHILL LANDSCAPE
SUPPLIES LTD**

AUGUST 2026

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Appendix 1 – The Application

- Copy of the relevant planning application documentation consisting of the following documents:
 - Application form submitted via the planning portal
 - Plans:
 - Reference BHLS 001
 - Reference BHLS 002
 - Reference BHLS 003
 - Reference BHLS 004
 - Figure 5
 - Preliminary Ecological Appraisal Report
 - Biodiversity Net Gain Design Stage Report
 - The Statutory Metric

PLANNING STATEMENT

1.0. Introduction

- 1.1. This Planning Statement has been prepared on behalf of Bury Hill Landscape Supplies Ltd (the Applicant) in support of a planning application to regularise the erection of an earth bund on the northern and eastern boundaries of the yard previously approved in principle but incorrectly placed.
- 1.2. The Application is being made by Mr Kelly BA (Hons) MRTPI in a consultancy capacity on behalf of the Applicant. Bury Hill Landscape Supplies who lease the land and buildings from the Trustees of the Estate of the Late Ivor Warren.

2.0. The Applicant

- 2.1. Bury Hill Landscape Supplies Ltd a family run business that sells a wide range of high-quality contaminate free topsoils, landscape materials such as composts and mulches, bark and woodchip, logs and selected aggregates and decorative stones has predominantly supplied the horticultural and retail markets within the Southeast for the last 20 years and now employs 25 people at its yard. The business was bought by the Lawson Group in 2025 but still operated under the Bury Hill label.

3.0. Site Location and Description

- 3.1. Lower Broadbridge Farm sits on the western edge of Broadbridge Heath and is accessed via a private drive running off the A281 Guildford Road in a position just to the north of its roundabout junction with the A264. It consists of a listed farmhouse, agricultural buildings, a yard area and associated farmland. The site is split with the eastern half being occupied by the Applicant, and the western part by Horsham Stone & Reclamation Ltd (HSRL) who operate crushing and screening plant. The agricultural buildings are divided into a number of units with the Applicant running its business from units 4 and 5. They also occupy part of the field area lying beyond the buildings adjoining the HSRL yard area where a number of storage bays and bagged products are located on a scalping surface. On the eastern boundary of the yard area lies an earth bund with a height of some 4m on the inside and 3m on the outside. Beyond the bund to the east lies a narrow strip of

woodland and to the north several mature oak trees beyond which lies former farmland.

- 3.2. The farmyard comprises of a substantial range of modern and agricultural buildings arranged into three separate blocks with driveways running between them. The central larger building comprising of units 1 to 5 is a portal framed structure with open sides. To the rear of the eastern most shed building lies a private bungalow. A residential area lies further to the east on the other side of the A281.

4.0. Relevant Planning History

- 4.1. Planning Permission Reference DC/17/0953 for the continued use of land and buildings materials (bricks and tiles), retention of office and wc portacabins, revised parking area and stone display patio area was approved by Horsham District Council in June 2017.
- 4.2. Planning application reference DC/20/2126 for a change of use of the land and the erection of an earth bund was approved subject to conditions by Horsham District Council in May 2021. The bund was to extend to a height of 3m and be wild seeded as shown on Figure 5 that was submitted with a supporting landscape assessment to the application.
- 4.3. At the time the Councils Landscape Architect raised concerns that the bund might equate to an unnatural and substantial barrier that is uncharacteristic to the character of the area and may be prominent from various public footpaths however this would need to be considered against the public benefit arising through noise mitigation. Notwithstanding, Officers concluded that although while the grass bund would be a new feature the shallow outer slope gradient and rounded top would integrate it into the surroundings, result in negligible and minor adverse impacts on landscape character and lessen the visual prominence of the extended yard from wider public views. It was also acknowledged that the bund would mitigate noise intrusion to residential properties, and when coupled with the existing mature vegetation along the eastern boundary would act as an acoustic barrier further limiting noise intrusion.
- 4.4. Conditions 5 and 6 of the consent were then varied under Planning Permission reference DC/23/0578 in August 2023 concerning an alternative

bagging system and a noise management plan respectively. This facilitated formal removal of the motor attached to the screening hopper and put in place a noise limit of 55 d B LAeq, 1 hour (freefield) for all operations controlled under Condition 5. Subsequent attempt to vary conditions 9, 10 and 13 of the consent was then refused but upheld at appeal under appeal reference APP/73825/W/3349245 which is now regarded as the extant permission.

- 4.5. The noise management of the site and indeed, the visual protection and dust and odour controls are reliant on the bund to mitigate any nuisance to the local community.

5.0. Proposed Development

- 5.1. The earth bund associated with the 2021 permission was erected in the summer of 2022 and as mentioned above has facilitated, alongside the change of site technology the reduction in noise nuisance complaints. It was supposed to be erected in the position shown on Plan Figure 5 submitted with the application to a height of 3m and a width of 14m. However, due to the earth in the yard being rolled back to create the bund the level of the yard is deeper than envisaged resulting in a small height differential on the inside of the bund of approximately 4m rather than 3m. The bund was mistakenly also erected on the outside of the redline area as shown on the application plans rather than the inside due to a simple misunderstanding of the markers on the ground whilst the Site Manager was away on holiday. On his return a view was taken that rather than move the earth again the outer boundaries would be adjusted to avoid the tree roots of the nearby trees.
- 5.2. The bund therefore is approximately 14m out of alignment, Consequently, retrospective permission is being sought to rectify the position, however this has triggered Biodiversity Net Gain provisions. Accordingly, attached to this application is a Biodiversity Net Gain Design Stage Report and associated Statutory Metric that confirms that prior to construction of the bund the lost habitat was part of a field of non-cereal crop and that the now established bund is an area of modified grassland in moderate condition and ruderal/ephemeral habitats in good condition resulting in a net gain over and above the baseline of +112.21%.

- 5.3. To run alongside the requisite BNG assessment the Applicant has also commissioned a Preliminary ecological Appraisal Report which makes recommendations for suitable enhancements to improve the biodiversity of the grassland on the bund. This can be secured through a planning condition if planning permission is forthcoming.
- 5.4. The area of the bund within the red line area amounts to 0.43ha.
- 5.5. The development would fall within the 'Other Operations' category of the Planning Fees Regulations incurring a fee of £309 for each 0.1ha (or part thereof) meaning the application fee should amount to £1,545.

6.0. Planning Policy and Planning Considerations

- 6.1. Within Paragraph 39 of the National Planning Policy Framework (NPPF) December 2024 under the chapter heading labelled as 'Decision Making' it states that:

'Local planning authorities should approach decisions on proposed development in a positive and creative way.'

- 6.2. Paragraph 85 of the NPPF under the chapter heading of 'Building a strong and competitive economy' states that planning decisions should help create the conditions in which businesses can invest expand and adapt. It goes on to state that:

'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'

- 6.3. Within the same paragraph of the NPPF it also states that it is important to ensure that development is sensitive to its surroundings, and opportunities to make a location more sustainable should be exploited. Within the same chapter under the sub-heading of 'Supporting a prosperous rural economy' it states that decisions should enable for the sustainable growth and expansion of all types of business in rural areas. As mentioned above in the last section, the consent contains a noise limit within which effective planning control can now be exercised and the bund plays a significant part in achieving this.

- 6.4. The Development Plan consisting of 'The Horsham District Planning Framework' (HDPF) 2015 embraces the principles enshrined in the NPPF.
- 6.5. 'Policy 1: Strategic Policy: Sustainable Development' of the HDPF repeats the positive approach that Councils should adopt that reflects the presumption in favour of sustainable development. In particular in this instance, Officers have previously worked with the Applicant to identify the previous noise problem which is reliant on the bund and more recently have encouraged the submission of this planning application to regularise the development.
- 6.6. 'Policy 33 Development Principles' is a generic development control policy that amongst other things advises that developments should make efficient use of land and prioritise the use of previously developed land and buildings, minimise harm to local amenities, and be sympathetic to the local landscape. It is not considered that the movement of the bund by 14m has materially adversely affected the amenity of local residents largely because it sits wholly within the envelope of the site and enclosed by woodland. The submission offers an opportunity for the Planning Authority to regularise the planning position whilst maintaining the integrity of the consent to protect and enhance local amenities and the local environment.

7.0. Conclusions

- 7.1. Following an earlier intervention of the Planning Authority the noise nuisance issue previously identified was resolved and planning controls put in place over the development which include a noise limit that now captures all the onsite activities. However, this is also reliant on the presence of the bund which also provides an effective visual screen from the operations.
- 7.2. Not only is the bund relied on for mitigation the principle of its presence is already established. Unfortunately, due to simple human error it was placed 14m outside the approved location. It is the Applicants contention that has had no material impact on local amenities and that its removal or replacement onto its approved alignment would be unsustainable causing unnecessary disturbance to the locality. In addition, the ecological assessment work submitted with this submission indicates that it has resulted in significant biodiversity uplift which would be lost if it had to be removed or realigned.

- 7.3. This retrospective submission offers an opportunity to regularise the position and to secure further biodiversity improvements to the bund.