Horsham District Council

# DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0887
Marthas Barn , Wheatsheaf Road, Henfield, West Sussex, BN5 9AX

DESCRIPTION:

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

RELEVANT PLANNING HISTORY:

| | | |
|---|---|---|
| HF/32/94 | Use of agricultural trenching business<br>Site: Hollinger Wheatsheaf Road Henfield | Application Permitted on 05.10.1994 |
| HF/31/94 | Development for existing barn<br>Site: Hollinger Wheatsheaf Road Henfield | Application Permitted on 06.10.1994 |
| 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 |
| DC/17/1246 | Proposed erection of a storage building, alterations to crossover/access and provision of 6 parking spaces | Application Permitted on 17.07.2017 |
| 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 |
| 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 |
| 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 |
| DC/23/2178 | Exempted Camp Site - to accommodate a maximum of 5 caravans/motorhomes onsite at any one time, plus no more than 10 tents unless express permission has been granted by the Camping and Caravan Club | COMMENTS on Consultation on 11.12.2023 |
| DC/23/2311 | Change of use of land for works associated with bespoke detailing and distribution of premium vehicles. (Retrospective) | Application Refused on 12.06.2024 |

SITE LOCATION & APPLICATION DESCRIPTION

The application site lies on the southern side of the B2116 / Wheatsheaf Road, approximately 1km east of the junction with the A281 Brighton Road. The site lies in a rural location, but is sited within a cluster of buildings (barn and dwellings) that have been developed over the past decade. The application site is accessed by its own vehicular access off the B2116 / Wheatsheaf Road.

The site is not within a conservation area, there are no Article 4 Directions restricting development, and there are no enforcement notices covering the site. It is however acknowledged that there are active compliance investigations at the site, with the most relevant under reference EN/25/0148 and

EN/25/0149. These relate to the continued change of use of land to works associated with a bespoke detailing and distribution of premium vehicles, and the continued change of use of land to lorry turning and delivery area and creation of hardstanding respectively. This relates to part of the land contained within the red line of the application site, and specifically the area of land to the south-west.

PLANNING ASSESSMENT

There is an extensive planning history associated with the site, which has been fully considered as part of the Planning Assessment below. The approved industrial use (B1/B8) was established through consents HF/31/94, DC/10/0650, DC/17/1246, and DC/20/0996. Notably, none of these permissions, have removed permitted development rights under Part 7 of Schedule 2 of the General Permitted Development Order (GPDO).

The proposed building would be located to the southwest of the site, measuring 22 metres in length, 9 metres in width, with a height of 6.2 metres. The Supporting Statement details the building will be used solely for B8 warehousing purposes, with no ancillary employee facilities and therefore no mains water will be consumed in the building. The proposed hard surface would be located to the southeast of the site, opposite the proposed building. It is also noted that the existing hardstanding to the south-west, which is currently unlawful and used for the purposes of unauthorised vehicle sales, would be retained to accommodate the proposed building.

The main consideration is whether the proposals fall within 'permitted development rights' as defined within Schedule 2, Part 7, Class H and Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Class H, Part 7, Schedule 2 – extensions etc of industrial and warehouse**

**Development not permitted:**

**H.1 Development is not permitted by Class H if -**

**(a) the gross floor space of any new building erected would exceed -**

**(i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;**

**(ii) in any other case, would exceed 200 square metres;**

The proposed building, with dimensions of 22 metres by 9 metres, has a total floor area of 198 square metres and therefore complies with part (ii). Additionally, the site is not situated on land designated under Article 2(3).

**(b) the gross floor space of the original building would be exceeded by more than –**

**(i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);**

**(ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);**

**(iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);**

The above is not applicable as the proposal is for the erection of a new building, not an extension or alteration.

**(c) the height of any part of the new building erected would exceed -**

**(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;**

**(ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;**

The building would be situated no closer than 10 metres from the boundary, with a height of 6.2 metres. The height of the highest building within the curtilage, immediately to the north, measures 6.2 metres in height. There proposal would therefore comply with (c).

**(d) the height of the building as extended or altered would exceed -**

**(i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;**

**(ii) in all other cases, the height of the building being extended or altered;**

The above is not applicable, as the proposal is for a erection of a new building, not an extension or alteration.

**(e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;**

The proposed building would be located approximately 10 metres from the boundary of the curtilage of the new premises. The proposal would therefore comply with (e).

**(f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or**

The approved parking is located to the north east of this building and therefore the proposal would not lead to a reduction in the parking or turning of vehicles within the site.

**(g) the development would be within the curtilage of a listed building.**

The proposed building would not be located within the curtilage of a listed building.

**Conditions**

**H.2 Development is permitted by Class H subject to the following conditions –**

**(a) the development is within the curtilage of an existing industrial building or warehouse;**

The proposed building would be located within the curtilage of an existing industrial building/warehouse.

**(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;**

The applicant is advised of this condition by way of an informative.

**(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;**

The applicant is advised of this condition by way of an informative.

**(d) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and**

The site is not located on article 2(3) land and therefore the above is not applicable.

**(e) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.**

The site is not located on article 2(3) land and therefore the above is not applicable.

**Class J, Part 7, Schedule 2 – hard surfaces for industrial and warehouse premises**

**Development not permitted:**

**J.1 Development is not permitted by Class J if the development would be within the curtilage of a listed building.**

The proposed building would not be located within the curtilage of a listed building.

**Conditions**

**J.2 Development is permitted by Class J subject to the following conditions –**

**(a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and**

**(b) in all other cases, either –**

**(i) the hard surface is made of porous materials, or**

**(ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.**

The details submitted in support of the application indicate that the proposed materials consist of loose free draining stones, whilst confirming there is no risk of groundwater contamination arising from uses. It is noted that the existing area of hardstanding contained within the red outline are of the same porous material.

**Recommendation: Application Permitted**

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.

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.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

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**Plans list for: DC/25/0887**

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

| 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 |

**DELEGATED**

Case Officer sign/initial Sam Nye Date: 05/08/2025

Authorising Officer sign/initial Robert Hermitage Date: 06/08/2025