



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0730

Merryhill, Storrington Road, Thakeham, West Sussex, RH20 3ED

DESCRIPTION:

Variation of Condition 3 of previously approved application reference DC/25/0944 (Erection of barn for use by Merryhill Mushrooms business, acoustic fencing and alterations to driveway) to allow for the installation of a new service run to serve the approved barn.

RELEVANT PLANNING HISTORY:

DC/25/0944	Erection of barn for use by Merryhill Mushrooms business, acoustic fencing and alterations to driveway.	Application Permitted on 04.11.2025
DC/24/1404	Demolition of existing outbuildings and erection of a barn.	Application Refused on 21.01.2025
DC/25/2020	Removal of Conditions 6 and 11 of previously approved application DC/25/0944 (Erection of barn for use by Merryhill Mushrooms business, acoustic fencing and alterations to driveway) relating to water neutrality.	Under Consideration
DISC/26/0115	Approval of details reserved by conditions 4, 5 and BNG to approved application DC/25/0944.	Application Permitted on 13.07.2026

DESCRIPTION OF THE SITE

The application site is located on the western side of Storrington Road, Thakeham and comprises two residential properties known as Merryhill and Merryhill Cottage. The dwellings historically formed a single residential planning unit with a shared curtilage and associated outbuildings which have supported the operation of the Merryhill Mushrooms business since approximately 2010.

The site lies outside the defined Built-Up Area Boundary and is therefore located within designated countryside where development is subject to strict policy control. The surrounding area is characterised by large, detached dwellings set within generous plots and retains a rural, edge-of-settlement character. Mature boundary vegetation and established landscaping provide a degree of visual screening from the public highway and neighbouring properties.

Planning permission DC/25/0944 was granted on 4 November 2025 for the erection of a barn to facilitate the continued operation of the Merryhill Mushrooms business, together with acoustic fencing and alterations to the driveway. That permission was granted on the basis that the development would consolidate an existing small-scale home-based rural enterprise and remain ancillary to the residential planning unit, without resulting in intensification of countryside activity.

DESCRIPTION OF THE APPLICATION

This Section 73 application seeks to vary Condition 3 (Tree Protection Measures) attached to planning permission DC/25/0944, which granted consent for the erection of a barn for use by the Merryhill Mushrooms business, acoustic fencing and alterations to the driveway.

The variation is required to facilitate the installation of a new underground service trench to serve the approved barn. The submitted Arboricultural Report Addendum demonstrates that the only practical route for the service connection is via trenching alongside the existing access drive. To minimise impacts on the retained Category A Oak tree (T005), the proposed route has been amended to increase its separation from the tree's Root Protection Area. This requires the removal of two lower quality Category C trees (T001 Oak and T002 Sycamore), together with revised tree protection measures and a hand-dig excavation methodology within a limited section of the retained oak's Root Protection Area. All other aspects of planning permission DC/25/0944 remain unchanged.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development
Policy 2 - Strategic Policy: Strategic Development
Policy 3 - Strategic Policy: Development Hierarchy
Policy 26 - Strategic Policy: Countryside Protection
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 40 - Sustainable Transport
Policy 41 - Parking

Nuthurst Neighbourhood Plan:

Policy 10 - Housing Design

Nuthurst Parish Design Statement

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

HDC Arboricultural officer: No Objection - The submitted information demonstrates that removing the small Oak (T1) and mature Sycamore (T2) is a reasonable and proportionate measure to protect the Root Protection Area of the retained Category A Oak (T5). The proposed service route has been designed to minimise impacts on the higher-value oak by increasing the distance of the works from its critical rooting area.

Although the loss of additional trees is regrettable, T1 and T2 are of limited arboricultural and landscape value. Given the replacement planting already undertaken on site, the overall impact is considered acceptable. On balance, the proposal is supported as it prioritises the retention and long-term health of the significant oak tree, subject to compliance with the agreed tree protection measures and working methods.

Representations:

None Received

Parish Comments:

Thakeham Parish Council: None received

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

This Section 73 application solely seeks to vary Condition 3 relating to tree protection measures to enable the installation of an underground service connection to the approved building.

The applicant states that following the grant of planning permission it became apparent that the only practicable route for the required utility services is via trenching alongside the existing access road to the shared power meter. The revised alignment has been developed in consultation with an arboricultural consultant to minimise impacts upon the retained Category A Oak (T005), which represents the most significant arboricultural feature on the site. To achieve this, the trench has been moved further away from the retained oak and closer to two lower quality trees identified as T001 (Oak) and T002 (Sycamore), both of which are classified within Category C due to their limited arboricultural value and existing defects.

The submitted Arboricultural Report Addendum concludes that removal of the two Category C trees represents the most appropriate solution to protect the long-term health and structural integrity of the retained Category A Oak. The report further confirms that only a short section of the service trench lies within the offset Root Protection Area of the retained oak, with excavation in this location to be undertaken entirely by hand using an agreed methodology to ensure any significant roots are retained and protected throughout the installation process. All remaining tree protection measures approved under the original permission will continue to apply.

The Council's Arboricultural Officer has reviewed the submitted information and raises no objection. The removal of the two Category C trees is considered a reasonable and proportionate approach which prioritises the retention of the significantly more valuable Category A Oak. The replacement planting undertaken on site would also offset the loss of the two lower quality trees. The proposed condition variation, subject to compliance with the revised arboricultural methodology and tree protection measures, is therefore considered acceptable.

There are no further impacts which would be raised by the proposal, with the proposed variation not altering the size, siting, appearance or operation of the approved barn, nor does it introduce any additional activity beyond that previously assessed under application DC/25/0944.

Conclusions:

The revised tree protection strategy would appropriately safeguard the retained high-value tree whilst enabling the essential service connection required for implementation of the approved development. The proposal therefore continues to comply with Policies 32 and 33 of the HDPF, together with the relevant provisions of the NPPF.

Recommendation: Application Permitted

Conditions:

- 2 **Standard Time Condition:** The development hereby permitted must be commenced by the 04.11.2028.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 **Regulatory Condition:** The development hereby approved shall be carried out in full accordance with the Arboricultural Impact Assessment and Method Statement approved under application DC/25/0944, except where otherwise stated by the Arboricultural Report Addendum (dated April 2026) and the associated Tree Protection Plan (ref: TPP 06986/2026).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on site, in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The development shall take place in accordance with the details of external plant and machinery as approved under application ref: DISC/26/0115.

Reason: To ensure the approved plant and associated mitigation are implemented in the interests of visual and residential amenity in accordance with Policies 33 and 37 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** The development shall take place in accordance with the Biodiversity Enhancement Layout approved under application ref: DISC/26/0115. The enhancement measures shall be retained as such thereafter.

Reason: To secure the delivery of biodiversity enhancements in accordance with Policy 31 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** The development hereby permitted shall be undertaken in full accordance with the water neutrality strategy (Water Neutrality Statement received on 08.05.2025). The development hereby permitted shall not be first occupied until evidence has been submitted to and been approved in writing by the Local Planning Authority that the approved water neutrality strategy has been implemented in full. The evidence shall include the specification of fittings and appliances used, evidence of their installation, evidence they meet the required water consumption flow rates. The installed measures shall be retained and operated as such at all times thereafter.

Reason: To ensure the development is water neutral to avoid an adverse impact on the Arun Valley SACSPA and Ramsar sites in accordance with Policy 31 of the Horsham District Planning Framework (2015), Paragraphs 193 and 194 of the National Planning Policy Framework (2024), and to allow the Local Planning Authority 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).

- 7 **Pre-Occupation Condition:** Prior to the first use of the development hereby permitted taking place, the proposed acoustic fencing shall be installed on the shared southern boundary of the site with Littlebury Lodge and Littlebury House in accordance with plan J7/01166 (received 13.08.2025), and shall remain in situ until otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: In the interest of neighbouring amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 8 **Regulatory Condition:** All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Arun Ecology, May 2025), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for mobile protected species in Sections 6.4.6 and 6.4.7 of the Preliminary Ecological Appraisal (Arun Ecology, May 2025), which avoids impacts to protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

- 9 **Regulatory Condition:** All works shall be executed in full accordance with the submitted Arboricultural Impact Assessment/Method Statement BS:5837 Arboricultural Report, AIA/AMS 06647/2025 0.2 (received 05.06.2025), except where otherwise stated by the Arboricultural Report Addendum (dated April 2026) and the associated Tree Protection Plan (ref: TPP 06986/2026).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** No additional external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The building hereby permitted shall be used only to facilitate the continued commercial operations of Merryhill Mushrooms (in connection with the dwellings known as Merryhill and Merryhill Cottage) only, and for no other purpose (including any other purpose in any class the schedule to the Town and Country Planning (Use Classes) Order 1987, as amended), unless otherwise agreed to and approved in writing by the Local Planning Authority.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order 2015 are not considered appropriate in this case under policy 10 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** The use of the building hereby permitted shall be restricted to the storage, packing, and dispatch of products sold exclusively via online sales channels. The premises shall not be used for retail sales to visiting members of the public, nor shall any customer visits take place in connection with the commercial use of the building.

Reason: To ensure the commercial operations remain low-impact, do not generate unacceptable levels of vehicular traffic, and do not cause demonstrable harm to the character and amenity of this rural location, in accordance with the submitted supporting statements and the requirements of Policies 10 and 26 of the Horsham District Planning Framework (2015).

13 **Regulatory Condition:** No deliveries to or from the site shall occur except during the following times:

- Monday to Friday: 0900 to 1730
- Saturday: 0900 to 1500
- No operations on Sundays, Bank Holidays, or Public Holidays.

Reason: To protect amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Note To Applicant - Biodiversity Net Gain Condition

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the "biodiversity gain condition" which means development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Horsham District Council.

This permission will require the submission and approval of a Biodiversity Gain Plan before development is begun.

For guidance on the contents of the Biodiversity Gain Plan that must be submitted and agreed by the Council prior to the commencement of the consented development please see the link:

[Submit a biodiversity gain plan - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain).

Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at

<https://www.gov.uk/guidance/biodiversity-net-gain>.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

Note To Applicant - Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted because the highway license process considers wider factors than are considered by the Highway Authority at planning stage.

Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-network-permits-and-licences/highway-licences/west-sussex-county-council-licences/dropped-kerbs-or-vehicle-crossovers-for-driveways/>

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.

Plans list for: DC/26/0730

(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
Supporting Statement	Arboricultural report addendum	06986 / 2026	06.05.2026
Plans	Tree protection	TPP 06986/2026	06.05.2026
Supporting Statement	Covering letter	23/273	06.05.2026
Location & Block plan		DE1223/01 REV P5	30.09.2025
Site plan	Existing	DE1223/02 REV P2	05.06.2025
Floor plan	Proposed	DE1223/04 REV P2	05.06.2025
Elevation plan	Proposed	DE1223/05 REV P2	05.06.2025
Site plan	Proposed	DE1223/06 REV P2	14.08.2025
Plans	Existing and Proposed Driveway	DE1223/07 REV P1	05.06.2025
Plans	Existing and Proposed Visualisations	DE1223/08 REV P1	05.06.2025
Supporting Statement	Arboricultural	AIA/AMS 06647/2025 0.2	05.06.2025
Supporting Statement	Business Information	NONE	05.06.2025
Design & Access Statement		NONE	05.06.2025
Tree plan	Protection	NONE	05.06.2025
Supporting Statement	Preliminary Ecological Appraisal	C-NJA-019-002-001	05.06.2025
Supporting Statement	Existing Fittings Survey	C3638	05.06.2025
Supporting Statement	Water Neutrality	C3638 REV P1	05.06.2025
Supporting Docs	Cover Letter	NONE	05.06.2025
Details plan	Acoustic Fencing Details	J7/01166	14.08.2025

DELEGATED

Authorising Officer sign/initial Guy Everest

Date: 03.09.2026