



Mr Jack Dunckley
Birchfield Nursery
Garden Sage Nurseries
London Road
Henfield
West Sussex
BN5 9AB

**Birchfield Nursery, London Road, Henfield, West Sussex
Change of Use of part of the site from the existing nursery (Sui Generis) to mixed used garden
centre (Class B8 and E).**

Your application DC/26/0398 has now been determined and I enclose the decision notice. The decision notice contains important information. Please take a moment to read it as further action may be required.

Conditions

Before you start work, information must be submitted for any conditions that require discharge before development can begin. The decision notice will set out what information need to be sent.

Biodiversity Net Gain Condition

Please note the requirement within the Environment Act 2021 for development to deliver a minimum of 10% net gain in biodiversity may be applicable to your development. In the event your development is required to achieve a minimum 10% net gain in biodiversity then a Biodiversity Net Gain Condition (separate to the main list of conditions) will appear on your decision notice requiring the submission of a Biodiversity Gain Plan for approval prior to development commencing.

Failure to discharge conditions before commencing development could result in the development being unlawful or enforcement action being taken. You can notify us of your intention to initiate development by completing a pre-commencement notification which will help us to monitor your development. There is no fee to use this service. To do this, or for further information about discharging planning conditions, visit us online at horsham.gov.uk/planning/discharging-a-planning-condition

Community Infrastructure Levy (CIL)

If this development is CIL liable, the requirements of CIL must be met before you start work. Failure to do so could result in additional financial penalties. For further information relating to CIL visit horsham.gov.uk/planning/planning-policy/community-infrastructure-levy/cil-charges-and-how-to-pay

If you have any questions about the decision notice, you can call us and speak to a member of the team on 01403 215187 between 9AM - 5PM, Monday to Friday.

If you are acting as the planning agent for this application, please ensure that the applicant is given a copy of the decision notice and this letter.

Yours Sincerely,
Development Management



Mr Jack Dunckley
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Application Number: DC/26/0398

TOWN AND COUNTRY PLANNING ACT, 1990 (as amended)
TOWN AND COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Birchfield Nursery

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that they PERMIT the following development, that is to say:

Change of Use of part of the site from the existing nursery (Sui Generis) to mixed used garden centre (Class B8 and E).

Birchfield Nursery, London Road, Henfield, West Sussex

to be carried out in accordance with Application No. DC/26/0398 submitted to the Council on 04/03/2026 and subject to compliance with the plans/documents and conditions specified hereunder.

Emma Parkes
Head of Development and Building Control

Date: 17/07/2026

- 1 **Plans Condition:** The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

SCHEDULE OF PLANS/DOCUMENTS

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	04.03.2026
Block plan	Proposed	DWL02	04.03.2026

Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

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

- 3 **Pre-Commencement (slab) Condition:** No development above slab level of the development permitted under DC/24/1448 or DC/25/1830 shall take place within the green shaded area on the approved plan (Proposed Block Plan - DWL 02, received 04.03.2026) until details of soft landscaping works along the boundary between the green and blue shaded areas on the approved plan (Proposed Block Plan - DWL 02, received 04.03.2026), including the area immediately surrounding the installed access gates, and a timetable for implementation, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following:
- Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation / use of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 10 years after completion of the development. Any proposed or retained planting, which within a period of 10 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the visual amenities of the area and the rural character of the site, having regard to the more intensive and potentially visually intrusive nature of Class E commercial uses, compared to the ancillary horticultural use of the site, and in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015) and Policy 3.2 of the Henfield Neighbourhood Plan (2021).

- 4 **Pre-Occupation / First Use Condition:** Within three months of the date of this permission full details of soft landscaping works on and around the existing and retained bund, and a timetable to implementation, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans and measures addressing the following:
- Details of all existing trees and planting to be retained
 - Details of all proposed trees and planting, including schedules specifying species, planting size, densities and plant numbers and tree pit details
 - Sections through the north and eastern bunds to show the relative land levels on each side and the proposed height of planting to be achieved.

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation / use of any part of the development. Unless otherwise agreed as part of the approved landscaping, no trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 10 years after completion of the development. Any proposed or retained planting, which within a period of 10 years, dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the rural landscape and character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015) and Policy 3.2 of the Henfield Neighbourhood Plan (2021).

- 5 **Pre-Occupation Condition:** No use hereby permitted within the red or green shaded areas on the approved plan (Proposed Block Plan - DWL 02, received 04.03.2026) shall be

commenced until a fire hydrant(s) to BS 750 standards or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has been installed, connected to a water supply with appropriate pressure and volume for firefighting, and made ready for use in consultation with the WSCC Fire and Rescue Service. The hydrant(s) or stored water supply shall thereafter be retained as such.

Reason: In accordance with fire and safety regulations in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation / First Use Condition:** No use hereby permitted within the red or green shaded areas on the approved plan (Proposed Block Plan - DWL 02, received 04.03.2026) shall commence until a plan showing the parking and turning layout of the proposed development including the provision of car parking spaces for staff and customers, along with HGV delivery and turning space, for those areas, has been submitted to and approved in writing by the Local Planning Authority. No use hereby permitted shall be commenced until the parking and turning spaces associated with it have been provided in accordance with the approved details. The areas of land so provided shall thereafter be retained for the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles clear of all highways in accordance with Policy 40 of the Horsham District Planning Framework (2015) and Policy 3.2 of the Henfield Neighbourhood Plan (2021).

- 7 **Regulatory Condition:** No external lighting or floodlighting shall be installed within the red or green shaded areas on the approved plan (Proposed Block Plan - DWL 02, received 04.03.2026) 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).

- 8 **Regulatory Condition:** The uses hereby permitted within the red or green shaded areas on the approved plan (Proposed Block Plan - DWL 02, received 04.03.2026) shall not be open for customers, visitors or dispatch activities, except between the hours of 07:30-20:00 Monday to Saturday and 10:00-16:00 on Sundays and Public/Bank Holidays, and no deliveries shall take place except between the hours of 06:00-20:00 Monday to Saturday and 10:00-16:00 on Sundays and Public/Bank Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015)

- 9 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting those Orders, the green shaded area on the approved plan (Proposed Block Plan - DWL 02, received 04.03.2026) shall be used only for purposes directly associated with, and ancillary to, the horticultural nursery, garden centre, landscaping, arboricultural or related rural enterprises operating from the wider site within the blue shaded area. No independent retail, office, commercial, professional service, financial service, medical, leisure, food and drink use shall take place without the prior written consent of the Local Planning Authority first being obtained by way of a formal application.

Reason: The permission has been granted on the basis that uses within the stated part of the site support the horticultural nursery and garden centre operation. The condition is necessary

to ensure that the use remains functionally linked to that enterprise and to prevent the establishment of unrestricted retail, office or commercial uses in this countryside location in accordance with Policies 10, 26 and 33 of the Horsham District Planning Framework (2015) and Policy 3.2 of the Henfield Neighbourhood Plan (2021).

- 10 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or reenacting that Order with or without modification), no development permitted by Classes A, B, C, D and H of Part 7 of Schedule 2 shall be carried out within green shaded area on the approved plan (Proposed Block Plan - DWL 02, received 04.03.2026), without prior written consent from the Local Planning Authority first being obtained by way of a formal application.

Reason: To retain effective control over the scale and intensity of commercial development in this countryside location, in order to safeguard rural character and ensure that the development remains functionally related to the approved horticultural nursery and garden centre use, in accordance with Policies 25, 26, 27 & 33 of the Horsham District Planning Framework (2015) and Policy 3.2 of the Henfield Neighbourhood Plan (2021).

- 11 **Regulatory Condition:** No externally mounted fixed plant, machinery, air conditioning equipment, refrigeration equipment, extraction equipment or ventilation equipment shall be installed within the green shaded area on the approved plan (Proposed Block Plan - DWL 02, received 04.03.2026) until details of its location, appearance and noise emissions have been submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be installed and operated in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring residents in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** External storage within the green shaded area on the approved plan (Proposed Block Plan - DWL 02, received 04.03.2026) shall not exceed a height of 3m when measured from the existing ground level, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking, re-enacting or modifying those Orders, the red shaded area identified on approved drawing (Proposed Block Plan - DWL 02, received 04.03.2026) shall be used only for storage and distribution purposes that are ancillary to and functionally related to the horticultural nursery, garden centre and landscaping business operating from the application site.

The storage and distribution activities within the red shaded area shall be limited solely to the storage, handling and distribution of goods, materials, machinery, equipment and products which:

- (a) are produced, grown or cultivated on the application site;
- (b) are utilised in connection with the horticultural nursery, garden centre or landscaping business operating from the site; or
- (c) are sold or supplied through the horticultural nursery, garden centre or landscaping business operating from the site.

The red shaded area shall not be used for any independent storage, warehousing, freight distribution, haulage, logistics, parcel distribution, plant hire operation, builders' merchant, contractor's yard, depot operation, or any other storage and distribution activity unrelated to the horticultural nursery, garden centre or landscaping business operating from the site, without the prior written consent of the Local Planning Authority first being obtained by way of a formal application.

Reason: To ensure that the storage and distribution activities remain ancillary to and functionally linked with the horticultural nursery, garden centre and landscaping business which form the basis of the development hereby approved; to prevent the establishment of independent storage, warehousing, logistics, haulage or depot uses in an unsustainable rural location; and to safeguard the character and appearance of the countryside and promote sustainable patterns of development, in accordance with Policies 10, 26 and 33 of the Horsham District Planning Framework (2015) and Policy 3.2 of the Henfield Neighbourhood Plan (2021).

- 14 **Regulatory Condition:** External storage within the red shaded area on the approved plan (Proposed Block Plan - DWL 02, received 04.03.2026) shall not exceed a height of 3m when measured from the existing ground level, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015) and Policy 3.2 of the Henfield Neighbourhood Plan (2021).

- 15 **Regulatory Condition:** No external storage or display of goods for sale, goods, machinery, waste, containers or products shall take place other than within the red or green shaded areas on the approved plan (Proposed Block Plan - DWL 02, received 04.03.2026), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the locality in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015) and Policy 3.2 of the Henfield Neighbourhood Plan (2021).

- 16 **Regulatory Condition** No development, material change of use, external storage, display of goods, operational activity or commercial activity associated with this permission shall take place within the blue shaded area shown on approved plan (Proposed Block Plan - DWL 02, received 04.03.2026), other than the existing horticultural nursery and garden centre use and those works expressly authorised by approved plans or consents, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the scope of the permission and to ensure that development remains confined to the areas assessed by the Local Planning Authority, thereby safeguarding the character and appearance of the countryside and preventing incremental commercial expansion beyond that approved, in accordance with Policies 10, 26 and 33 of the Horsham District Planning Framework (2015) and Policy 3.2 of the Henfield Neighbourhood Plan (2021).

Note to Applicant

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.

ADDITIONAL INFORMATION

Planning Permission – Important Provisos

If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It is the responsibility of the developer to provide bins for the development. If you are a developer and need to purchase bins, please email hop.oast.admin@horsham.gov.uk.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

Amendments

Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring

Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Right of Appeals

If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>.