

PLANNING STATEMENT

IN RELATION TO:

***‘Retrospective Planning Application for the
permanent siting of 3 No. storage containers
on the site’***

**21 Victoria Gardens, Burgess Hill,
West Sussex, RH15 9NB**

December 2025

1.0 INTRODUCTION

- 1.1 On behalf of our Client, EBISS, this Retrospective Planning Application is submitted to the Local Authority seeking planning permission for the permanent siting of 3 No. storage containers on the site.
- 1.2 This Planning Statement is submitted in support of the above detailed planning application. The statement describes the site, its surroundings and the proposal itself. The Planning Policy background is considered along with an assessment of the proposal considering the relevant policy and all other material planning considerations.
- 1.3 This application is accompanied by a package of application drawings, which have been prepared by Folkes Architects.

2.0 SITE CIRCUMSTANCES

- 2.1 The application site comprises a parcel of land, located to the northern side of Victoria Gardens. The site area is 1968.6m².
- 2.2 There is a large shallow pitched building on site, with an existing flat roofed front projection, which was previously used for light industrial (B1) with office accommodation and was changed to storage (B8) in 1994 under planning application ref: BH/232/94. Permission was subsequently approved to change the use of the building from B8 back to B2 in December 2018 (ref: DM/18/37814).
- 2.3 This main building is currently the subject of a separate retrospective planning application, seeking its return to a B8 storage and distribution use.
- 2.4 To the eastern side of the building, is an existing area of hardstanding and parking area for the property.
- 2.5 The site is occupied by EBISS, which is a logistics company specialising in international shipping for events and exhibitions.
- 2.6 There are 3 containers on site, which our client is seeking to permanently position as part of this retrospective application.
- 2.7 Victoria Gardens is part of an industrial estate characterised by commercial properties of varying designs, forms and scales and used as offices, light and general industrial uses, and storage (B1, B2 and B8).



Fig 1. Aerial photograph detailing the sites and its immediate surroundings
(courtesy of Google Maps – red line is indicative only)

- 2.8 To the rear of the site are the dwellings of Victoria Close, which back onto the application property and the other industrial units located on the northern side of Victoria Gardens.

3.0 PLANNING DESIGNATIONS

- 3.1 It is defined by the Mid Sussex Local Plan Proposals Maps that the site lies within the defined Built-up Area Boundary.
- 3.2 The site is within the Existing Employment Sites allocation (SA34), as defined by purple diagonal hatching. To our knowledge no other constraints or restrictions relate to the site.



Fig 2. Extract of the Mid Sussex Local Plan Proposals Map: Inset 7: Burgess Hill

4.0 THE PROPOSAL

- 4.1 This proposal seeks retrospective planning permission for the permanent siting of 3 No. containers on site, the position of which is identified on the site layout plan below:

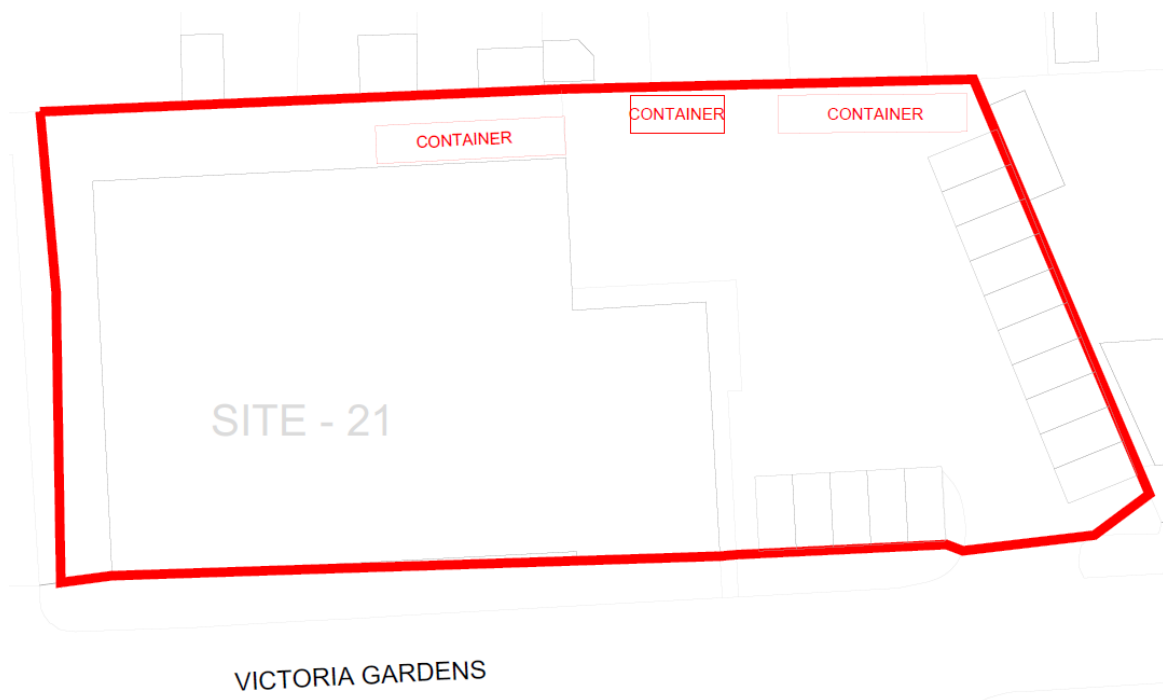


Fig 3. Proposed Site Layout Plan

- 4.2 The smaller of the three units has a floor area of 146 sq ft (13.86m²), whilst the two larger units have floor areas of 285 sq ft (26.47m²).



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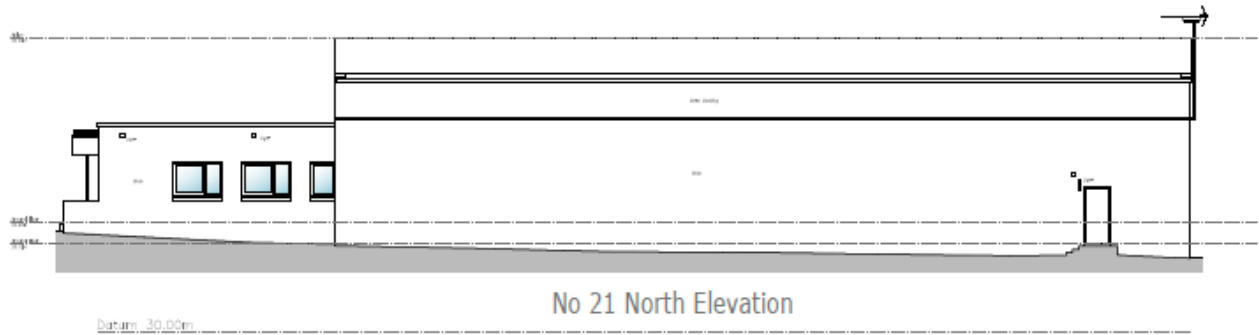


Fig 4. Pre existing north elevation

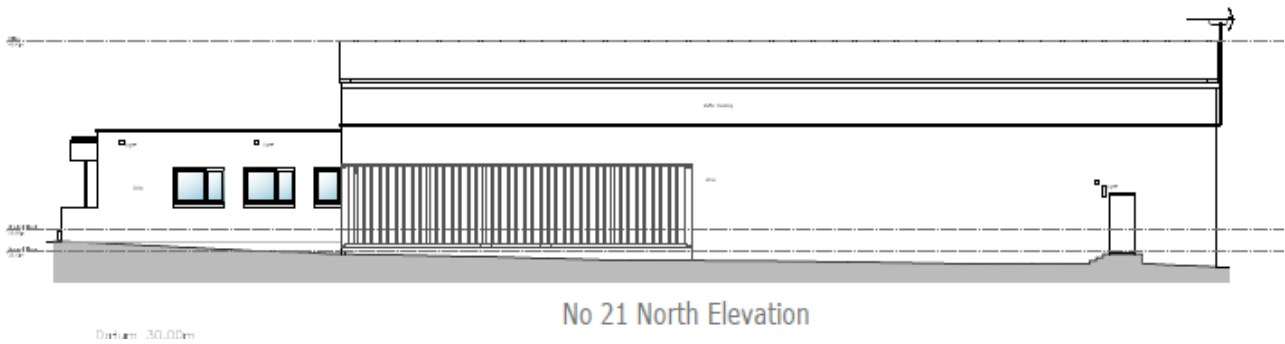


Fig 5. Existing north elevation



Fig 6. Pre existing east elevation

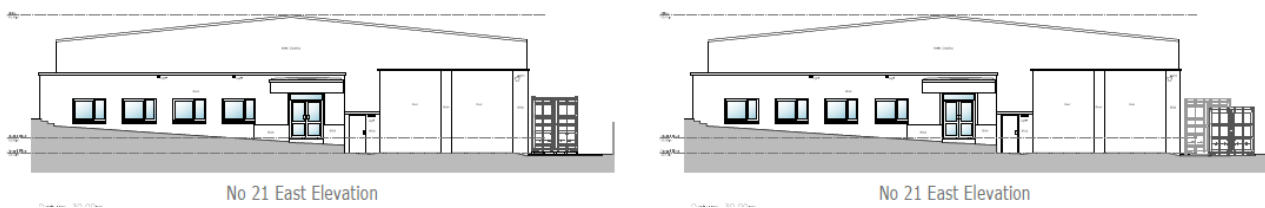


Fig 7. Existing east elevations

- 4.3 The containers are used for non-hazardous items that require long-term storage, for example, are not used regularly. They also store packing materials in containers so that vermin cannot get to them as they can in a warehouse.

5.0 PLANNING POLICY

(i) National Planning Policy Framework (NPPF)

- 5.1 The National Planning Policy Framework (NPPF) was originally published on 27th March 2012, and has been updated on a number of occasions, most recently on 12th December 2024. This publication sets out the government's planning policies for England and how these are expected to be applied.
- 5.2 The NPPF confirms that planning law, as set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.3 The focus of the revised NPPF continues to be achieving sustainable development. The NPPF clarifies that *"at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs"* (taken from Resolution 42/187 of the United Nations). However, at paragraph 8 the Framework sets out that in planning terms, and in order to achieve sustainable development there are *"three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)"*. These objectives are economic, social and environmental, which *"should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area"* (paragraph 9).

- 5.4 The economic objective aims to *“help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”*. The social objective is *“to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”* (paragraph 8).
- 5.5 Paragraph 11 is an important element of the NPPF. It states that: *“Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.
- 5.6 Paragraph 12 confirms that *“the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the*

development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

- 5.7 Paragraph 14 is relevant in this case. It states *“in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement ...”.*
- 5.8 Section 4 of the Plan refers to Decision-making. At paragraph 39 of the Framework, it sets out that *“local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible”.*
- 5.9 The Framework also sets out that there are only limited circumstances where decision-makers should give weight to policies in emerging plans, and generally *“arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances”* (paragraphs 50 and 51 refer).
- 5.10 Section 6 refers to Building a strong, competitive economy. Paragraph 88 states that *“planning policies and decisions should enable:*

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”.

5.11 Section 9 discusses sustainable transport, including the need to support opportunities, and give priority to walking, cycling and public transport, in addition to creating places that are safe, accessible, address the needs of people with disabilities, and are designed to enable charging of plug-in and other ultra-low emission vehicles.

5.12 Paragraph 113 sets out that *“Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.”*

5.13 Paragraph 114 confirms that the main considerations in transport terms when determining specific planning applications is that proposals should provide:

“a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach”.

5.14 At paragraph 116 the Framework also confirms that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe...”.*

(ii) The District Plan 2014 - 2031

5.15 The District Plan was adopted March 2018 and forms part of the Development Plan against which this application will be assessed and determined. However, the Plan is now in excess of 5 years old. Paragraph 33 of the NPPF states *“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future”.*

5.16 It is understood that MSDC are in the process of preparing a new District Plan, which has been submitted for examination. The examining inspector has raised serious concerns, but following further submissions from the District Council the inspector is understood to be considering reopening examination in 2026. Due to the ongoing

uncertainty with the plan and a number of unresolved objections, we do not consider that any weight can be given to the emerging plan at this time.

5.17 The **District Plan** continues to be the most relevant local planning policy document at this time.

5.18 The Council's Policies Map (see **Fig 2**) identifies the site as being within the defined Built-up Area Boundary. The site also lies within an area designated as 'Existing Employment Sites'.

5.19 **Policy DP1** refers to Sustainable Economic Development and states that *"Effective use of employment land and premises will be made by:*

- Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;*

- Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;*

- Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies)".*

5.20 **Policy DP26** refers to Character and Design and states that *"all development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development”.*

5.21 The following policies are also considered of relevance:-

- **Policy DP21:** Transport Policy;
- **Policy DP29:** Noise, Air and Light Pollution;

(iii) Neighbourhood Plans

5.22 The Burgess Hill Neighbourhood Plan (NP) has been ‘made’. In terms of policies, the majority are of a general nature and not relevant to this proposal. The following is of relevance: -

- **Policy S4:** Parking Standards for new developments.

(iv) Site Allocations DPD

5.23 The site is identified on the Councils Proposals map as being within an Existing Employment Sites (SA34). This policy does not refer to the introduction of storage units specifically but is set out below in detail for reference: -

“Existing Employment Sites – Protection, Intensification and Redevelopment

Existing Employment Sites, classified as those in use classes E(g): Business, B2: General Industrial or B8: Storage or Distribution (as shown in Appendix A and on the policies map) are protected; proposals that would involve their loss will be resisted. Proposals on Existing Employment Sites that would involve the loss of employment land or premises will only be supported where it can be clearly demonstrated by the applicant that the site/premises are no longer needed and/or viable for employment use.

Development proposals outside the traditional employment use classes for non-employment generating uses will be supported on existing and allocated employment sites, if it is demonstrated that the continued use of the site, or its development for employment or employment uses, is not viable, through the provision of:

- (i) Details of comprehensive marketing of the site for at least 12 months and appropriate to the prevailing marketing conditions; and*
- (ii) A financial appraisal that demonstrates that the development of any employment generating use is unviable.*

Development proposals outside the traditional employment use classes for non-employment generating uses will be supported on existing and allocated employment sites, if it is demonstrated that the continued use of the site, or its development for employment or employment uses causes, or would lead to site-specific, environmental problems, such as noise, pollution or disturbance through traffic generation, recognising the environmental benefits to be gained by redeveloping these sites for non-employment generating uses.

Proposals for intensification within the boundary of Existing Employment Sites will be supported providing it is in accordance with other development plan and national policies.

Redevelopment for employment use within the boundary of Existing Employment Sites (as shown in Appendix A and on the Policies Map) will be supported where it does not result in the overall loss of employment floorspace. Proposals for alternative uses, with the exception of residential use, within Existing Employment Sites will only be supported where it can be demonstrated that the sequential approach has been applied to the redevelopment of the site, and the proposals support their integrity and function as centres of employment.

Existing Employment Areas – Expansion

Within the built-up area, expansion of Existing Employment Sites and premises for E(g)/B2/B8 uses will be supported where the business requirements cannot be met within the existing site/ premises through acceptable on-site expansion or intensification; and that relocation to existing stock is not preferable.

Outside the built-up area, expansion of Existing Employment Sites for E(g)/B2/B8 uses will only be supported where:

- Detailed layout and design are in keeping with its countryside location*

- *The expansion is contiguous with the boundary of an existing employment site*
- *Where the impacts of expansion are assessed in-combination with the existing site, and the overall impact of existing plus expansion is considered acceptable”.*

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 5.24 The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

6.0 PLANNING HISTORY

(i) Application Site

6.1 According to the Council's online planning records, 21 Victoria Gardens, Burgess Hill has the following planning history: -

- **Planning ref: DM/23/0680/:** Change of use from B2 to Sui Generis Funeral Directors Facility (to include 24-hour access). Withdrawn 8th August 2023.
- **Planning ref: DM/18/3781/:** Retrospective application to change the building user from B8 to B2. Approved 21st December 2018.
- **Planning ref: BH/232/94/:** Change of use to B8 for storage and warehousing. Approved 22nd December 1994.
- **Planning ref: BH/023/91/:** First floor office extension to existing factory premises. Approved 5th April 1991.
- **Planning ref: BH/134/79/:** Light industrial building with office accommodation and off street parking. Granted.
- **Planning ref: BH/216/78/:** Light industrial building with office accommodation and off street parking. Granted.

7. PLANNING ASSESSMENT

a. Principle of Development

- 7.1 This proposal is seeking retrospective planning permission for the permanent siting of 3 No. containers on the site. The site is located within the defined built-up area boundary where the principle of new development is accepted, subject to other policies in the plan. It is also identified as being within an allocated Employment Site (SA34), where *“proposals for intensification within the boundary of Existing Employment Sites will be supported providing it is in accordance with other development plan and national policies”*.
- 7.2 Paragraph 85 of the NPPF states that *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential”*.
- 7.3 At the local level, **Policy DP1** of the District Plan relates. This policy states that *“effective use of employment land and premises will be made by:*
- Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;*

· *Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan...*”.

- 7.4 It is our opinion that this retrospective planning proposal is in full compliance with both national and local level guidance, which recognise the need for Council’s to support economic growth and productivity and are supportive of proposals for intensification within the boundary of Existing Employment Sites. There is an identified functional need for the containers, which are required to support an established and viable business use at the site.

Visual Amenity

- 7.5 Victoria Gardens is part of an industrial estate characterised by commercial properties of varying designs, forms and scales and used as offices, light and general industrial uses, and storage (B1, B2 and B8).
- 7.6 EBISS operate from the site and are a logistics company specialising in international shipping for events and exhibitions. They take their clients exhibition stands, models and materials to world-wide events, handle installation and return. They also store their clients' assets between events.
- 7.7 The 3 No. containers are currently in situ and are positioned to the rear of the site, set well back from Victoria Gardens to the south. Two of the containers are almost entirely screened from the road by the existing building on site, whilst the third will be partially visible at times. It will be noted at the time of a site visit that the third unit is positioned behind an established parking area and as such, will likely be screened from view on many occasions by vehicles parked in front of it, towards the front of the site.
- 7.8 To the rear of the site are the dwellings of Victoria Close, which back onto the application property and the other industrial units located on the northern side of Victoria Gardens. The proposed northern boundary is detailed below at **fig 8** and

shows that this boundary has been carefully managed to create a combination of the containers and existing close boarded fencing.

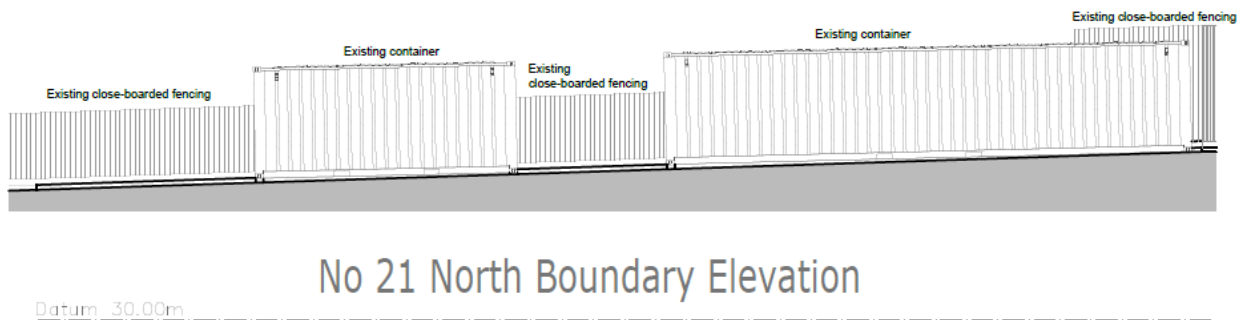


Fig 8. Proposed north boundary elevation

- 7.9 It is our opinion that this retrospective planning proposal would have a neutral visual impact and would not detract from the character or appearance of the surrounding area, which is primarily commercial in character. The proposal would be compliant with guidance contained within the NPPF and **Policy DP26** of the Mid Sussex District Plan.

Residential Amenity

- 7.10 As detailed above, the surrounding area is primarily commercial in nature, with the closest residential properties located to the rear of the site along Victoria Close.
- 7.11 The use of the site for commercial purposes will continue. The containers are used by Ebiss for their storage and distribution use (B8 use class) at 21 Victoria Gardens. There is a separate retrospective planning application now being submitted in respect of the change of use of the wider site to a B8 use class, as it is now understood that the lawful use of the premises is as B2 use (see planning history section above), albeit it is noted that the premises has previously been in B8 use.
- 7.12 The Applicants have confirmed that the 3 no. containers that are in situ are used for non-hazardous items that require long terms storage, as well as packing materials.

- 7.13 The containers are located on an established commercial site and will result in a negligible increase in comings and goings to and from the site.
- 7.14 It is our opinion that the containers would not cause significant harm to the amenities of the neighbouring residential dwellings and the proposal would not have a greater impact on the amenities of neighbouring properties than that existing. It would be compliant with guidance contained in the NPPF and **Policies DP26 and DP29** of the District Plan.

Access & Parking

- 7.15 The containers are positioned on existing hardstanding areas. They do not impinge on existing access or turning facilities on the site. There is ample car parking retained on the site to serve the proposed commercial use of the premises.
- 7.16 Therefore there are no traffic or transport reasons to resist this planning application for 3 no. containers to continue to be sited at the Application site, and the proposals are in accordance with Policy DP21 of the District Plan.

Biodiversity Net Gain (BNG)

- 7.17 The Application site comprises hardstanding areas and the main commercial premises. There is no habitat on the site, and therefore the Application proposals meet the 'de minimis' criteria. In addition, due to the retrospective nature of this planning application, the proposals are exempt from BNG requirements.

8. CONCLUSIONS

- 8.1 This development seeks retrospective planning permission for the permanent siting of 3 No. containers at the Application Site to be used for commercial storage purposes associated with Ebiss' use of the wider site for B8 purposes (a separate planning application submission refers to this change of use). The containers are used for storage purposes only, and often on a long-term basis, thus limiting their use and comings and goings to and from the site.
- 8.2 The application site is located within the defined Built-up Area Boundary and within the Existing Employment Sites allocation (**SA34**).
- 8.3 There is a functional need for the storage containers on site. This is supported by the NPPF, and the site allocation document (**SA34**) and **Policy DP1** of the District Plan, which supports "*appropriate intensification, conversion, redevelopment and/or extension for employment uses ...*"
- 8.4 The scale, form and design of the units would be compatible with the commercial site and the overriding commercial character of the locality. This retrospective planning proposal would not detract from the visual quality or appearance of the surrounding area. The proposal would be compliant with guidance contained within the NPPF and **Policy DP26** of the Mid Sussex District Plan.
- 8.5 The siting, size and use of containers would not cause demonstrable harm to the amenities of the neighbouring residential dwellings to the north. It is considered that the proposals do not have a greater impact on the amenities of neighbouring properties than the existing commercial use of 21 Victoria Gardens. The proposals would be compliant with guidance contained in the NPPF and **Policies DP26** and **DP29** of the District Plan.

- 8.6 The development proposals would make an efficient use of the site, by allowing an appropriate expansion of the site.
- 8.7 As the proposal accords with the aims and objectives of national and local planning policy and guidance, the Application Site is suitable for the provision of new containers that provide commercial storage, and we request that planning permission is granted for the development.
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December 2025