

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1180	Case Officer:	Joanne Fisher
Application Type:	Full Application		
Proposal:	Proposed 12m x 15m temporary clear span structure to the side of the existing building and new 3m paladin fence with gate.		
Site:	1 Marylands, Bolney, Haywards Heath, West Sussex, RH17 5RA, , ,		
Validation Date	13 May 2025	Overall Expiry Date:	29 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 Oct 2025
Target Date:	8 Jul 2025	Recommending Officer Signature:	Joanne Fisher

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	17 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1180

**1 Marylands, Bolney, Haywards Heath, West Sussex, RH17 5RA, ,
Proposed 12m x 15m temporary clear span structure to the side of the existing building and new
3m paladin fence with gate.
Mr G Sullivan**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Flood Risk and Drainage

No objection.

Southern Water

No objections.

PARISH COUNCIL OBSERVATIONS

Bolney Parish Council objects to this planning application because the proposed fence would be imposing and unsightly and will negatively affect the character of the area. 1 Marylands is one of 2 large warehouse type buildings within the Marylands site. Marylands is on the edge of the built-up area of Bolney. Houses in Magdalene rise and the Grade one listed St Mary Magdalene church are close by. There are no other industrial buildings nearby and the area around Marylands which forms one of the approaches to the village of Bolney is rural. The proposed fence is 3m high and at the north side where it surrounds the car park it will not be hidden by trees and will be highly visible and very obtrusive at that height. The adjacent unit has a 1.8m high paladin fence around its car park which is an acceptable height. The 3m height is obviously not needed for security reasons because the adjoining 3m high close boarded wooden fence around the unloading compound has a gate within it of 1.8m height. For these reasons the Parish Council objects to this planning application.

INTRODUCTION

Permission is sought for a proposed 12m x 15m temporary clear span structure to the side of the existing building and new 3m paladin fence with gate.

RELEVANT PLANNING HISTORY

DM/20/2640 - Demolition of single dwelling and outbuildings and erection of B8 floorspace (including ancillary office space) across 3 buildings, with hard and soft landscaping, parking and servicing. Altered access to be provided from A272/A23 Western Roundabout with existing Cowfold Road vehicular access closed. REVISED PLANS received 16/12/2020 showing revised position and height of Unit 1, joining Units 2 and 3 together and additional planting to southern boundary. Approved.

DM/21/3544 - Discharge of conditions 3, 4, 5, 6, 9 relating to application DM/21/2656. Approved.

DM/21/4281 - Variation to condition 2 relating to planning application DM/21/2656 to revise the finished floor level of unit 2/3 by raising it 200mm. Approved.

DM/22/0549 - Discharge of condition 14 in relation to DM/20/2640 and Variation of Condition application DM/21/4281. Approved.

DM/22/1946 - Discharge of conditions 17,18 and 19 relating to planning application DM/21/4281. Approved.

DM/22/2044 - Discharge of Conditions 21 and 24 relating to DM/21/4281. Approved.

DM/22/3492 - Variation to condition 20 relating to planning application DM/22/2865, revising the approved hard and soft landscape general arrangement layout to include additional pedestrian footpaths and an off-road sub-station vehicular access. Approved.

DM/25/1195 - Retrospective planning application for a new timber close boarded fence replacing existing paladin fence and new water tank with steel clad enclosure. Pending consideration.

SITE AND SURROUNDINGS

The site is a modern commercial employment site comprising of two large modern buildings with barrelled roofs and parking and service yards for both buildings. Both these buildings are occupied for B8 (storage and Distribution) employments uses.

The site lies at the junction of the A272 Cowfold Road and the A23. There is screening on the western boundary with the link road to the A23.

Works have been carried out in respect of the installation of the water tank and steel enclosure which is sited to the southern elevation which faces towards the A272 Cowfold Road. In addition, a close boarded fence has been installed around the service yard to the east of the building which is viewed from both the A272 Cowfold Road and within the internal access road of the site. This is subject to a separate retrospective application under reference DM/25/1195.

The site lies within the countryside as defined in the District and Neighbourhood Plans.

APPLICATION DETAILS

Permission is sought for a 12m x 15m temporary clear span structure to the side of the existing building and new 3m paladin fence with gate.

During the course of the application the extent of the paladin fence and gate has been reduced so that it only spans the southern and western boundaries of the site and no longer extends around the northern and eastern boundaries or the car parking/entrance of the building.

The building is occupied by Birch Sussex which is a high-end car storage company. The building has capacity for 5-600 cars. They offer a high security, discretionary storage solution.

The submitted planning statement sets out that:

'Due to the nature of the business and the value of goods the company store, they are looking to install a temporary aluminium structure, 12x15m in size. This is required as a temporary weather proofing canopy, it allows the unloading of vehicles going into the storage facility without opening the shutter doors and allowing visibility into the unit. Cars will be cleaned and valeted in this area to be able to go into the clean / sterile environment of storage. This is a requirement by the insurance company.'

The single storey structure is to be sited to the eastern elevation of the existing commercial building within an enclosed yard area. This would be sited against the building by an existing roller shutter door to allow access between the proposed structure and the building. This would measure some 12 metres in width, 15 metres in depth, with an eaves height of some 3.3 metres and an overall ridge height of some 6.2 metres. The building is to be constructed glazing with an anodised roof. The structure would be green in colour. There would be a roller shutter door to the eastern and western elevations to allow

access into the structure from the yard and then access into the main building. There would also be a pedestrian door on the eastern elevation.

The paladin fencing is to the southern and eastern part of the service yard. This measures some 3 metres in height and some 143.5 metres in length. The fence would be green in colour and is set back from the A272 at a higher level and behind the existing tree screening on the western boundary with London Road.

It has been submitted that the temporary single storey structure within the yard area is only required until the lease expires.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Bolney Neighbourhood Plan

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

- DP1 - Sustainable Economic Development
- DP12 - Protection and Enhancement of Countryside
- DP26 - Character and Design
- DP41 - Flood Risk and Drainage

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

Policy SA34 - Existing Employment Sites

Neighbourhood Plan

Relevant policies:

BOLE2 - Protect and enhance the countryside

BOLD1 - Design of new development and conservation

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPN4 - Trees, Woodland and Hedgerows

DPC1 - Protection and Enhancement of Countryside

DPE1 - Sustainable Economic Development

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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.

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states ' *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.*'

Paragraph 39 of the NPPF states ' *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.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

Principle

Design and Impact on character of the area

Flood risk and Drainage

Ashdown Forest

Biodiversity Net Gain

Principle

Policy DP1 of the District Plan relates to Sustainable Economic Development. In part it states that effective use of employment land and premises will be made by *'Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan'*.

Policy SA34 of the Site Allocations Development Plan Document relates to existing employment sites under classes E(g), B2 and B8. It includes a section in respect of expansion which states in part:

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

o Detailed layout and design are in keeping with its countryside location

o The expansion is contiguous with the boundary of an existing employment site

o Where the impacts of expansion are assessed in-combination with the existing site, and the overall impact of existing plus expansion is considered acceptable.'

The submitted planning statement sets out that due to the nature of the business and the value of goods that the company stores that a temporary structure is required to provide a weather proofing canopy to allow the unloading of vehicles going into the storage facility without opening the shutters doors and allowing visibility into the units. It would also allow vehicles to be cleaned and valeted to be able to go into the clean and sterile environment of storage. The proposal is to ensure that the business has the correct insurance and seeks to protect the contents stored within the building and on the site. It is considered that such a proposal is to allow the business to stay within the premises and the area.

The District Plan and SADPD support for the expansion of existing businesses such as this current business with B8 use. Whilst it is acknowledged that the proposal is temporary in nature for the period of the lease of the current user, the structure will allow the business to carry out operations within the yard before vehicles are placed in the building for storage purposes.

It is considered that the proposal is compliant with relevant policies which supports the retention of employment sites and sustainable growth of all types of business through well-designed schemes. The site lies within an existing commercial site which was previously allocated within the Site Allocations Development Plan Document and has been constructed. Due to the scale and positioning of the structure within the existing service yard, it is considered that the proposal is in keeping with the existing commercial building and site.

The proposal thereby complies with policy DP1 of the District Plan, policy SA34 of the SADPD, and the provisions of the NPPF.

Design and Impact on character of the area

One of the objectives of achieving sustainable development is to ensure that proposals *'contribute to protecting and enhancing our natural, built and historic environment'* (para 8, NPPF).

The site falls outside of the built-up area (within the countryside). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area. Policy DP12 of the District Plan in part requires proposals to *'maintains or where possible enhances the quality of the rural and landscape character of the District'*.

Policy BOLE2 of the Neighbourhood Plan relates to protecting and enhancing the countryside. In part it states *'Outside the Built-up Area Boundary, development must demonstrate that it does not have an unacceptable impact on the landscape.'*

Para 187 of the NPPF requires proposals to contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside'*.

Policy DP26 of the District Plan relates to character and design. In part it requires developments to be well designed, be of a high quality design and layout with appropriate landscaping and greenspace; contribute positively to and clearly define public and private realms as well as creating a sense of place whilst addressing the character and scale of surrounding buildings and landscape. In addition, it requires development to incorporate well integrated parking that does not dominate the street environment.

Policy BOLD1 of the Neighbourhood Plan relates to design of new development and conservation. This sets a number of criteria for new development including that

'It is designed to a high quality which reflects Bolney's rural nature and responds to the heritage and distinctive character by way of;

height, scale, spacing, layout, orientation, design and materials of buildings, and

the scale, design and materials of the public realm (highways, footways, open space and landscape)...'

The single storey structure is proposed to be sited to the eastern side elevation of the existing building within the yard area. It would be sited against the side elevation to allow direct access into the building and the existing roller shutter door. The structure would be of a green colour and subordinate to the building. It is considered that due to the scale and siting of the structure that this would be seen in context with the existing commercial unit and yard area.

Three metre high green paladin fencing is to be installed on the southern and western boundaries of the site to incorporate the end elevation of the building and water tank area as well as the side of the building so that this is fully secure. On the western elevation this fencing would be set behind the existing boundary planting. There is existing green paladin fencing around the wider site including to units 2 and 3 and so it is considered that this additional fencing would be seen in context with the rest of the site.

Overall, the building and fencing is considered to be appropriate in character and appearance and is in-keeping with the existing commercial nature of the application site, and would maintain the character of the area.

The proposal thereby complies with policies DP12 and DP26 of the District Plan, policies BOLE2 and BOLD1 of the Neighbourhood Plan and the provisions of the NPPF.

Impact on surrounding properties

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *'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'*.

There are no immediate residential properties which would be impacted from the works undertaken.

Due to the proposed location of the temporary single storey structure within the existing yard area, as well as the proposed fencing and gate to the southern and western boundaries of the site and the highway, it is considered that the proposal would not result in significant harm to amenities of nearby residents

The proposal is thereby considered to comply with the relevant part of policy DP26 of the District Plan.

Flood risk and Drainage

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

The site is within flood zone 1. The changes would not result in an increase in flood risk in the area.

The Councils Flood Risk and Drainage Team have considered the proposal and raise no objection.

The proposal is thereby considered to comply with policy DP41 of the District Plan.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

Other matters

The proposal is for a temporary period. As the works are necessary for the business, it is considered that the permission allow the works for a 5 year period so that the Council can re-consider the special circumstances of the visual impact on the countryside. This temporary permission would allow the works to be removed.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Bolney Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposal is appropriate in character and appearance and in-keeping with the existing commercial nature of the application site. As such it is considered that the proposal would maintain the character of the area and this part of the countryside in Mid Sussex. The works are considered necessary for the use of the existing business which occupies this site. Whilst the single storey extension and paladin fencing would be visible from the highway due to the proposed finishes of the structures they would be seen in context with the existing building and commercial use of the site and addresses the character and scale of the surrounding buildings and landscape.

Notwithstanding the above, the applicants have applied for a temporary planning permission on the basis that the works are required and bespoke to this company. It is therefore considered reasonable to grant a temporary planning permission. When this expires, the need for the development can be assessed again in light of the circumstances that apply at that time.

The proposal would result in a neutral impact on residential amenity, drainage and flooding as well as to the Ashdown Forest.

The proposal thereby complies with policies DP1, DP12, DP26 of the District Plan, policy SA34 of the SADPD, policy BOLE2 and BOLD1 of the Neighbourhood Plan and the relevant provisions of the NPPF.

Overall, it is considered that the proposed development is acceptable and as such it is recommended that planning permission be granted.

Decision: Permission

Case Officer: Joanne Fisher