

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                                                        |                                        |               |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------|
| <b>Ref. No:</b>                              | DM/25/1195                                                                                                                                             | <b>Case Officer:</b>                   | Joanne Fisher |
| <b>Application Type:</b>                     | Full Application                                                                                                                                       |                                        |               |
| <b>Proposal:</b>                             | Retrospective planning application for a new timber close boarded fence replacing existing paladin fence and new water tank with steel clad enclosure. |                                        |               |
| <b>Site:</b>                                 | 1 Marylands, Bolney, Haywards Heath, West Sussex, RH17 5RA, , ,                                                                                        |                                        |               |
| <b>Validation Date</b>                       | 20 May 2025                                                                                                                                            | <b>Overall Expiry Date:</b>            | 29 Sep 2025   |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                                                        | <b>Pre-Com Conditions Date Agreed:</b> |               |
| <b>Recommendation:</b>                       | Permission                                                                                                                                             | <b>Recommendation Date:</b>            | 15 Oct 2025   |
| <b>Target Date:</b>                          | 15 Jul 2025                                                                                                                                            | <b>Recommending Officer Signature:</b> | Joanne Fisher |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |             |              |             |
|------------------------------|-------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | Steven King | <b>Date:</b> | 17 Oct 2025 |
| <b>Comments:</b>             |             |              |             |

## MID SUSSEX DISTRICT COUNCIL

**DM/25/1195**

**1 Marylands, Bolney, Haywards Heath, West Sussex, RH17 5RA, ,  
Retrospective planning application for a new timber close boarded fence replacing existing  
paladin fence and new water tank with steel clad enclosure.  
Mr G Sullivan**

### **SUMMARY OF REPRESENTATIONS**

None received.

### **SUMMARY OF CONSULTEES**

MSDC Flood Risk and Drainage

No objection.

### **PARISH COUNCIL OBSERVATIONS**

Bolney Parish Council objects as the proposed fence and large water tank would have an imposing and overbearing negative impact on the appearance of the area. The proposed landscaping will fail to mitigate the harm caused to the area by the installation of the tank and fencing sited opposite Roughgrass wood, which is ancient woodland.

### **INTRODUCTION**

Retrospective permission is sought for a new timber close boarded fence replacing existing paladin fence and water tank with steel clad enclosure.

### **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/25/1180 - Proposed 12m x 15m temporary clear span structure to the side of the existing building and new 3m paladin fence with gate. Amended information received and clarification on the proposed building and amended plans revising the extent of the proposed fencing and information on landscaping. 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, the 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.

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

## **APPLICATION DETAILS**

Retrospective permission is sought for a new timber close boarded fence replacing an existing paladin fence and a water tank with steel clad enclosure.

During the course of the application additional information has been provided in respect of the need for the water tank, details of the painting of the water tank and additional landscaping to the southern and western boundaries of the site.

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 and have submitted that they have carried out a number of works to comply with their insurance company requirements.

The fencing is to the southern and eastern part of the service yard. This measures some 3 metres in height and is set back from the A272 at a higher level. It comprises of a timber closeboarded fence. This fencing replaces the former 1.8 metre high paladin fencing to these areas.

It has been submitted that the water tank is required as a fire extinguishing system to protect the contents and staff. The submitted planning statement sets out that this *'was installed as a requirement by the insurance company for a fire protection system in the event of a fire. It was installed with an open topped screen enclosure with access door to the side. Going forward, the enclosure will now comprise a steel frame with sheeting rails internally to support vertical composite steel cladding screening to match existing materials and colour of the new building.'*

The water tank as installed is currently stainless steel in colour. In order to mitigate its visual appearance it has been suggested that the tank and enclosure be painted Olive Green (RAL 100 30 20) to blend in with the colour of the building.

Planting details have been provided with new landscaping to be added to the existing southern boundary to create additional vegetation screening. Additional planning is to comprise of a mixture of hazel, mulberry and magnolia trees with understorey shrub planting and hedge planting on the boundary with the highway.

The submitted planning statements sets out the following justification in respect of the fencing which has been carried out:

*'Due to the nature of the business and the value of goods the company store, secure fencing was required to ensure security was up to standard and protect the area from unwanted criminal activity. The*

*tenants therefore installed 3m high close-boarded timber fencing as can be seen in the images below which offered a more robust option to secure the premises and stop unnecessary prying from external sources. This is an important aspect due to the value of some of the vehicles in storage.'*

The replacement fencing provides more secure fencing which does not allow viewing through the originally approved palisade fencing.

*It has been submitted that 'prior to Birch Sussex leaving the site, the water tank, and associated enclosure as well as the new timber close boarded fence will be taken down and the original paladin fence will be reinstated. Therefore, making all structures temporary in nature.'*

## **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.

There are no relevant policies.

## **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

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'*.

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 impact to the character of the area is set out below in the report. However, 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. The neighbouring building has high fencing around the yard area. It is considered that the proposal would retain the commercial use whilst respecting character and use of the area.

The proposal thereby complies with policy DP1 of the District Plan, 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 water tank as installed is stainless steel in colour with the security fencing surrounding this green in colour, which matched the previous palisade fencing around the site. Due to its current finish the storage tank is highly visible when viewed from the highway to the south of the site. However, it has been suggested to paint the tank an olive green so that it blends in with the end elevation of the building which would reduce its prominence. In addition, additional planting is proposed to further reduce the impact of the structure to the surrounding area.

Conditions could be placed on the approval to ensure that the water tank is painted in the olive green and planting is carried out in accordance with the submitted plan. Due to the retrospective nature of the application, it is considered reasonable to ensure that these works are carried out within 3 months from the date of this permission.

Due to the existing commercial nature of the site with two large buildings where the neighbouring building has tall fencing around the service yard which is visible from outside of the site, and the surrounding highway network of the A272 to the south and the A23 to the east and north, it is considered that the proposal maintains the character of the area in this part of the District and does not have an unacceptable impact on the landscape or the Ancient Woodland on the opposite side of the road.

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'*.

Due to the location of the fencing and water tank there are no immediate residential properties which would be impacted from the works undertaken.

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 has considered the proposal and raise no objection.

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

#### 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 applicants have applied for planning permission on the basis that the works are required for and are 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.

## **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.

Whilst retrospective, the proposal is considered to maintain the character of the countryside in this part of Mid Sussex. The works are considered necessary for the use of the existing business which occupies this site. The water tank, fencing and landscaping whilst visible from the highway are 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.

The proposal would result in a neutral impact on residential amenity and drainage and flooding.

The proposal thereby complies with policies DP1, DP12, DP26 of the District Plan, 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