

Planning Statement

Variation of condition 3 of GR/05/02744 to enable a building to be used for purposes falling within Class E(g) of the Town and Country Planning (Use Classes) Order 1987, as amended

Deers Leap Park, Saint Hill Farm, Saint Hill Green, East Grinstead, West Sussex

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Contents	Page
1. Introduction	1
2. Site and Surroundings	1
3. Site History	2
4. Proposed Amendment to Condition	4
5. Planning Policy	6
6. Planning Considerations	13
Principle Of A Wider Class E Use	15
Neighbour Amenity	15
Access And Parking	16
7. Summary and Conclusion	17

1. INTRODUCTION

- 1.1. This Planning Statement is in support of an application submitted under Section 73 of the Town and Country Planning Act 1990, to seek variation of Condition 3 (Use of Premises) attached to application GR/05/02744/FUL at Deers Leap Park, Saint Hill Farm Saint Hill Green, East Grinstead.
- 1.2. Planning permission was granted in March 1995 for alterations to the land and buildings at Saint Hill Farm to allow for the creation of an off-road biking and rambling course with associated car parking and facilities. This included the change of use of a former stable block to create a new reception, bike hire and bike storage facility (application reference GR/054/95).
- 1.3. In 2005, permission was sought for a change of use of the main building to allow for its use as a bicycle reception, for bicycle hire and repair and also for the sale of bicycles and associated equipment (application reference GR/05/02744/FUL). The application was granted subject to a number of conditions, including Condition 3 of GR/05/02744/FUL, which states:

“The premises shall be used for the sale of bicycles and associated equipment in associated with and ancillary to the use of Deers Leap Park as a mountain biking and rambling venue. No other commodities shall be sold without the prior written approval of the Local Planning Authority.”

- 1.4. This application seeks a variation of the condition to allow a broader and more flexible use of the building, comprising uses falling within Class E(g) of the Use Classes Order, as part of current endeavours to re-let the building.

2. SITE AND SURROUNDINGS

- 2.1. The application site is located some 2.5km to the southwest of the centre of East Grinstead. It is accessed via the B2110 via Saint Hill Road and West Hoathly Road. It is immediately on the west side of West Hoathly Road and southeast of Saint Hill Manor, an Estate that is occupied by the Church of Scientology.
- 2.2. Saint Hill Farm contains a number of buildings of mixed age, form, scale and external materials.
- 2.3. At the northeast corner of the property is a courtyard of buildings that create an almost enclosed quadrangle. They are former agricultural buildings of single storey form that are predominantly constructed in external facing brick under a plain tile roof. The exception to this is the application building on the eastern side of the group which is externally faced in timber boarding under a slate roof. The internal courtyard area is surface finished in concrete.
- 2.4. Immediately to the west of the building group is a two-storey, former granary building with a north-south roofline. It is constructed in stone and brick and has a metal sheet roof. The majority of openings in the building are to the west. Due to the fall in topography, the ground floor of the granary is set below the ground floor of the quadrangle building group to the east. The building has been approved for conversion to offices, and the work is part implemented.
- 2.5. To the south-west of the application building is a group of more modern, predominantly former agricultural, buildings that are in a range of commercial use. This includes storage and

distribution uses associated with Southern Sheeting Supplies, and material fabrication by South-East Fabricators. Beyond this group to the south-east is a single storey residential dwelling.

- 2.6. Further south are areas of hardstanding for vehicular parking and turning.
- 2.7. Access to the site is some 200m to the south of the application building. The vehicular access is located on the west side of West Hoathly Road and then turns through 90 degrees to run north, parallel to the public highway to serve the site.
- 2.8. To the north of the site is Saint Hill Manor, the UK headquarters of the Church of Scientology. There is a building immediately to the north of the application site which it is understood is used for catering facilities serving the wider Saint Hill Manor site. This was formed from the conversion of a former stable building (constructed in 1897). To the west of this is a 3-storey building that has recently been constructed close to the boundary which it is understood is used for teaching and study (LPA reference DM/18/0946).
- 2.9. The topography around the application site falls from a high point on West Hoathly Road, in a generally easterly and southerly direction. The fall across the wider Saint Hill Farm site is some 13m (circa 119m AOD to 106m AOD).

3. SITE HISTORY

- 3.1. The application site is owned by the Hobbs family, who have, for many years, owned and farmed agricultural land within and around East Grinstead. At the present time, the family own and manage three farms within the area, which in total amounts to some 250 acres, including land at Saint Hill Farm.
- 3.2. As part of the preparation of this application, the planning applications register, as held online by the Local Planning Authority has been inspected. This reveals a number of applications that relate to the site and the wider group of buildings and surrounding holding.
- 3.3. The following applications are particularly relevant to the building the subject of this application:
 - **GR/054/95** - Alterations to land and buildings to include: retention of working farm; new footpath network linking up to existing footpaths; new nature trail, picnic areas, tree planting, off road bicycle course, change of use of existing redundant farm buildings and formation of new car parks not only to serve above uses, but also to serve 'Stone Hill' Rocks - Approved - 28th April 1995;
 - **GR/330/99** - Proposed change of use of existing redundant agricultural building into B1 and B8 use and ancillary facilities to existing Deers Leap Park - Approved 25th August 2000 with subsequent amendments approved in 2001 and 2005;

- **05/02774/FUL** - Proposed change of use of existing bicycle reception hire and repair shop to use as bicycle reception, hire, repair and sales. Single storey extension to house utility services. - Approved - 12th January 2006;
- **13/00834/FUL** - Upgrading of the external appearance of the reception building to include replacement of the roof covering, new cladding to the walls, formation of new openings and the erection of a canopy to the Southern elevation to include a flagpole. New wood burning stove and flue to cafe building - Approved - 23rd April 2013;
- **13/00835/ADV** - Upgrading of the external appearance of the reception building to include replacement of the roof covering, new cladding to the walls, formation of new openings and the erection of a canopy to the southern elevation to include a flagpole. New wood burning stove and flue to cafe building - Approved - 23rd April 2013;
- **DM/16/2420** - Refurbishment of existing courtyard buildings. Conversion of existing granary building to create 2 No. office units with B1 use. Fenestration alterations to granary building including replacement roof covering and new rooflights. External hard and soft landscaping works to include provision of car parking in conjunction with office units - Approved - 11th August 2016; and
- **DM/24/0004** - Proposed demolition of existing commercial buildings (Use Class B8 and B2) and construction of replacement storage building (Class B8), new office building, conversion of former granary to offices (amendments to DM/19/2095), change of use of dwelling to Trade Counter, alternations to existing storage yard, construction of single storey replacement dwelling and detached garage, alterations to access, provision of additional vehicular parking and associated works and landscaping - Approved 26th June 2024.

- 3.4. The planning history reflects the evolution of the site and wider farmholding.
- 3.5. It details the creation of Deers Leap Park, approved in 1995 (GR/054/95), to introduce leisure activities onto land and buildings at Saint Hill Farm. The permission included the provision of a new network of pathways, provision of a nature trail, picnic areas, tree planting and the formation of an off-road bicycle course. It also included the conversion of redundant farm buildings and the formation of new car parks.
- 3.6. The conversion of other former farm buildings to commercial use within the Saint Hill Farm building group followed in the late 1990's.
- 3.7. In 2005, a planning application was submitted on the application building for change of use from bicycle reception hire and repair shop to use as bicycle reception, hire, repair and sales. The scheme also included a single storey extension to house utility services. The application was approved on 12th January 2006.
- 3.8. Condition 3 of the permission states:

“The premises shall be used for the sale of bicycles and associated equipment in associated with and ancillary to the use of Deers Leap Park as a mountain biking and rambling venue. No other commodities shall be sold without the prior written approval of the Local Planning Authority.

Reason: This permission is granted on the basis of the submitted application and to safeguard the Countryside Area of Development Restraint and High Weald Area of Outstanding Natural Beauty in accordance with Policies C1 and C4 of the Mid Sussex Local Plan.”

- 3.9. Subsequently, in 2013 a planning application was submitted for alterations to the external appearance of the application building to include new wall and roof coverings, formation of new openings and the provision of a canopy, together with the provision of a new wood burning stove and flue to the cafe located in part of the adjacent quadrangle of the building group. This was approved on 23rd April 2013. An associated application for external alterations to the application building as part of an advertisement consent was approved on the same date.
- 3.10. In 2016, an application was submitted for a range of works to buildings at Saint Hill Farm. This included the refurbishment of the residual parts of the quadrangle of buildings immediately to the east of the application site. It also included the conversion of the adjacent granary to form 2 office units.
- 3.11. The associated case officer's report noted that the scheme included refurbishment and enlargement of the cafe, the provision of toilets and showers, conversion of a store room to bicycle sales, and refurbishment of offices. The application was approved on 11th August 2016.
- 3.12. More recently, a planning application was submitted in 2024 for the redevelopment of much of the wider Saint Hill Farm site, to create a predominantly storage and distribution use. This included redevelopment of buildings to the south-west of the application site to create a new warehouse and conversion of the former granary building to offices. The application was approved in June 2024. It remains extant, but is not yet implemented. The application did not include works to the building that is the subject of this application.

4. PROPOSED AMENDMENT TO CONDITION

- 4.1. Application 05/02774/FUL granted planning permission for the bicycle reception hire and repair shop to be used as a bicycle reception, for bicycle hire, repairs and for the sale of bicycles and associated equipment.
- 4.2. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1st September 2020. The effect of these changes was to revoke a number of the Use Classes, and to introduce three new Classes - Class E (Commercial, Business and Service), Class F1 (Learning and non-residential institutions) and Class F2 (Local Community).
- 4.3. Class E comprises the following uses:
- (a) *“for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*

- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*
- (c) for the provision of the following kinds of services principally to visiting members of the public*
 - (i) financial services,*
 - (ii) professional services (other than health or medical services), or*
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,*
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,*
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,*
- (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,*
- (g) or —*
 - (i) an office to carry out any operational or administrative functions,*
 - (ii) the research and development of products or processes, or*
 - (iii) any industrial process,*

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”

4.4. Section 7 of Statutory Instruction No. 2020/757 states:

“For the purposes of the Use Classes Order, if a building or other land is situated in England, and is being used for the purpose of one of the following classes which were specified in Part A or B of the Schedule to that Order on 31st August 2020, as—

- (a) Class A1 (Shops),*
- (b) Class A2 (Financial and professional services),*
- (c) Class A3 (Restaurants and cafes), or*
- (d) Class B1 (Business),*

that building or other land is to be treated, on or after 1st September 2020, as if it is being used for a purpose specified within Class E (Commercial, business and service) in Schedule 2 to that Order.”

- 4.5. It is submitted that the current lawful use of the building as a bicycle reception, hire, repair and sales building falls within Class E of the Town and Country Planning (Use Classes) Order 1987, as amended.
- 4.6. However the effect of condition 3 of application GR/05/02774/FUL restricts the use of the application building to *“the sale of bicycles and associated equipment in association with and ancillary to the use of Deers Leap Park as a mountain biking and rambling venue.”*
- 4.7. Deers Leap Bikes has recently closed. On this basis, the landowner seeks to secure consent for a wider use of the building, to enable the building to be marketed for occupation to a range of potential alternative occupiers.
- 4.8. On this basis, a variation of Condition 3 is sought to allow for a wider use of the building under Class E of the Use Classes Order. It is proposed that the condition be amended to the following:
- 4.9. *“Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or as amended in the future, or the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the premises shall only be used for Class E (g) use and for no other purpose.”*
- 4.10. This would enable the building to be occupied by a range of occupiers that would have formerly fallen under Class B1 of the Use Classes.

5. PLANNING POLICY

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act and section 70(2) of the Town and County Planning Act 1990 require that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2. The Development Plan for the purposes of the determination of this application comprises:
- The Mid Sussex District Plan 2014-2031 (adopted 2018);
 - The Mid Sussex Site Allocations Development Plan Document (DPD) (adopted 2022); and
 - The East Grinstead Neighbourhood Plan (2016).
- 5.3. Material considerations include national planning guidance.

The National Planning Policy Framework

- 5.4. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It was most recently updated in December 2024.
- 5.5. It sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, made up of the three dimensions of economic, social and environmental 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 three objectives (paragraphs 7 - 8).
- 5.6. Paragraph 10 states that *'so that sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development.'*
- 5.7. Paragraph 11 notes that Plans and decisions should apply a presumption in favour of sustainable development. This notes that for decision-taking, this means:
- Approving development proposals that accord with an up-to-date Development Plan without delay; or
 - Where there are no Development Plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - The application of policies in this framework that protect areas or assets of particular importance provides a strong reason for refusing the development; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the 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.
- 5.4. Section 6 sets out policies for building a strong, competitive economy. Paragraph 85 states that 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.
- 5.5. Paragraph 88 relates to supporting a prosperous rural economy and states that planning policies and decisions should enable, amongst other things:
- The sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings;
 - The development and diversification of agricultural and other land based rural businesses; and
 - Sustainable rural tourism and leisure developments which respect the character of the countryside.

- 5.6. Paragraph 89 notes that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to, or beyond existing settlements, and in locations that are not well served by public transport. It notes that in these circumstances, it will be important to ensure development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable, for example, by improving the scope for access on foot, by cycling or by public transport.
- 5.7. Chapter 9 relates to promoting sustainable transport.
- 5.8. Paragraph 110 states that the planning system should actively manage patterns of growth in support of promoting sustainable transport objectives. Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It notes this can help to reduce congestion and emissions, and improve air quality and public health. It notes however that opportunities to maximise sustainable transport options will vary between urban and rural areas, and this should be taken into account in both Plan-making and decision-making.
- 5.9. Paragraph 115 states that in determining planning applications it should be ensured that, amongst other things, safe and suitable access to the site can be achieved for all users.
- 5.10. Paragraph 116 notes that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Mid Sussex District Plan

- 5.11. The Mid Sussex District Plan (MSDP) was adopted in March 2018, and seeks to guide development up to 2031.
- 5.12. Policy DP1 relates to sustainable economic development and sets out that the total number of additional jobs required within the district over the Plan period is estimated to be an average of 543 jobs per annum. It sets out this will be achieved by a range of measures that include encouraging high quality development of land and premises to meet the needs of 21st century businesses; supporting existing businesses, and allowing them room to expand, and encouraging inward investment.
- 5.13. It states that effective use of employment land and premises will be made, by amongst other things, permitting the appropriate intensification, conversion, redevelopment and/or extension for employment uses providing it is in accordance with other policies in the Plan.
- 5.14. Policy DP12 states that the countryside will be protected in recognition of its intrinsic character and beauty. It notes that development in such areas will be permitted, provided it maintains and where possible enhances the quality of the rural landscape and character of the district and is necessary for the purposes of agriculture or is supported by a specific policy reference elsewhere in a Development Plan Document (DPD).

- 5.15. Policy DP14 sets out support for sustainable rural development and the rural economy. It notes that provided it is not in conflict with Policy DP12 (Protection and Enhancement of the Countryside) and DP13 (Preventing Coalescence), new small scale economic development within the countryside will be permitted, provided it supports sustainable growth and the vitality of the rural economy and, where possible, utilises previously developed sites. It also states that the re-use and adaptation of rural buildings for business use in the countryside will be permitted where the building is of permanent construction and capable of re-use without substantial reconstruction or extensive alteration; the appearance and setting is not materially altered; and it is not a recently constructed agricultural building which has not been, or has been little, used for its original purpose.
- 5.16. Policy DP16 states that within the High Weald AONB, development will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan. It notes that small scale proposals which support the economy and social wellbeing of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.
- 5.17. Policy DP17 states that in order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse effects.
- 5.18. Policy DP21 states that development will be required to support the objectives of the West Sussex Transport Plan 2011 - 2026, which include ensuring a high quality transport network that promotes a competitive and prosperous economy; a resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time; access to services, employment and housing; and a transport network that feels, and is, safer and healthier to use.
- 5.19. In order to meet these objectives, it notes decisions on development proposals will take account of whether:
- the scheme is sustainably located to minimise the need for travel, noting there might be circumstances where development needs to be located in the countryside, such as rural and economic uses (under Policy DP14: Sustainable Rural Development and the Rural Economy);
 - appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;
 - the scheme provides adequate parking for the proposed development taking into account the accessibility, the type mix and use of the development and the availability and opportunities for public transport;

- the scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;
- the scheme protects the safety of road users and pedestrians; and
- the scheme does not harm the special qualities of the High Weald AONB through its transport impacts.

5.20. Policy DP26 relates to character and design. It notes that all development and surrounding spaces should be well-designed and reflect the distinctive character of built areas while being sensitive to the countryside. It requires applicants to demonstrate that development:

- Is of high quality design and layout and includes appropriate landscaping and green space;
- Contributes positively to, and clearly defines, public and private realms;
- Creates a sense of place while addressing the character and scale of surrounding buildings and landscaping;
- Protects open spaces, trees and gardens that contribute to the character of the area;
- 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;
- Creates a pedestrian friendly layout that is safe, well connected, legible and accessible;
- Positively addresses sustainability considerations in the layout and the building design; and
- Optimises the potential of the site to accommodate development.

5.21. Policy DP29 relates to noise, air and light pollution. It states that the environment, including nationally protected landscapes, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution. Development will only be permitted where it is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area; the impact on local amenity, intrinsically dark landscapes of artificial lighting proposals (including floodlighting) is minimised in terms of intensity and number of fittings; and it does not cause unacceptable levels of air pollution.

5.22. Policy DP34 states that development that retains buildings which are not listed, but are of architectural or historic merit or which make a significant and positive contribution to the streetscene will be permitted in preference to their demolition and redevelopment.

Mid Sussex Site Allocations DPD

- 5.23. The Mid Sussex Site Allocations DPD was adopted in June 2022. It is a ‘daughter’ document to support the MSDP. It principally seeks to allocate land for residential and commercial development over the remainder of the Plan period up to 2031. It also contains a number of development management policies.
- 5.24. Policy SA34 relates to existing employment sites, as defined and listed in Appendix A of the DPD. The application site is not included within that list, despite its longstanding and established lawful commercial use. Notwithstanding this, Policy SA34 is relevant insofar as it demonstrates the Council’s desire to protect existing employment sites in Use Class E(g), B2 and B8.

East Grinstead Neighbourhood Plan

- 5.25. The East Grinstead Neighbourhood Plan (EGNP) was ‘made’ in November 2016. Its vision is *“to provide for a positive future for East Grinstead that is socially inclusive for all, vibrant, economically robust and will allow residents to live with a high degree of self-sufficiency in a town with a first rate natural, built and historic environment.”*
- 5.26. In order to achieve this, the Plan sets out a number of core objectives. This includes promoting development that will provide sustainable economic growth, including business and tourism related development and maintain a prosperous town centre, and protect the countryside and urban open spaces for their landscape, wildlife, agricultural, recreational and natural resource value, including the AONB.
- 5.27. The Plan sets out a number of development policies.
- 5.28. Policy EG1 states that within the High Weald AONB planning permission will be refused for major development unless it complies with the exceptional circumstances set out in the NPPF. It notes that planning permission for other forms of development will be granted where the proposals are for, amongst other things, the conversion of redundant buildings. The policy notes that each policy compliant development must meet a number of criteria. This includes it is of the highest standard of design, natural and scenic beauty of the landscape is conserved or enhanced, and the proposals do not result in an obtrusive feature.
- 5.29. Policy EG2 states that planning permission will normally be granted for the sympathetic conversion of redundant rural buildings, limited small scale new development and extensions to existing buildings within the countryside area. It requires development to comply with a number of criteria. These include, that in the case of converted buildings, the new use has minimal impact on the openness of the countryside.
- 5.30. Policy EG3 states that planning permission will normally be granted for proposals which achieve good design. It states proposals should comply with a number of criteria. These include that:
- The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;

- The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;
- The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;
- The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities onsite;
- The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;
- New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment;
- The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and antisocial behaviour; and
- Proposals make provision for green infrastructure and biodiversity enhancement.

5.31. Policy EG10 states that planning permission will be granted for the redevelopment, extension or alteration of existing 'B use' category business premises. It states applications will be granted where they comply with a number of criteria including that they:

- Are on a site defined as previously developed land;
- Meet the parking requirements of the adopted Development Plan;
- Provide a high quality landscape setting;
- Demonstrate that the residual cumulative impacts of development on the transport network are not severe;
- Meet their own infrastructure needs; and
- Are in a location and of a scale, form and design which is in character with its surroundings.

5.32. It notes that proposals for mixed use development of previously developed land business sites will be permitted providing the proposal includes a qualitative enhancement in the business floorspace being provided.

5.33. Policy EG11 states that all new business proposals will be expected to be supported by an appropriate assessment of the impact of the proposal on the highway network. It states that proposals which cause a severe cumulative impact in terms of road safety and increased congestion, which cannot be ameliorated through appropriate mitigation will be refused. The policy requires development to include access arrangements that are appropriately designed and provide adequate visibility splays.

- 5.34. Policy EG12 states that planning permission will be granted where vehicle parking provision, including cycle parking, is in accordance with the West Sussex County Council adopted parking standards and does not dominate the streetscene.

Other Material Considerations

- 5.35. The High Weald AONB Management Plan (2024-2029) sets out the policies for the management of the AONB, and for the carrying out of the Authority's functions in relation to the AONB. It confirms that the High Weald is one of the best preserved medieval landscapes in north west Europe, and that its outstanding beauty stems from its essentially rural and human scale character, with a high proportion of natural surfaces and the story of its past visible throughout.

Mid Sussex District Plan 2021-2039 - Submission Draft

- 5.36. The District Council is in the process of reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 at which point its policies will have full weight.
- 5.37. 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.
- 5.38. 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 the majority of Policies in the draft District Plan and as such, little weight can be given to the policies of the emerging Plan.

6. PLANNING CONSIDERATIONS

- 5.39. Section 73 of the Town and Country Planning Act 1990 sets out provisions for the submission and determination of applications for variation or discharge of conditions attached to planning permissions.
- 5.40. The National Planning Practice Guidance notes that an application made under Section 73 can be used to make a material amendment by varying or removing conditions associated with a planning permission. It notes that there is no statutory limit on the degree of change permissible to conditions under Section 73, but the change must only relate to conditions and not to the operative part of the permission.¹
- 5.41. Section 73(2) of the Town and Country Planning Act 1990 states that:

"On such an application the Local Planning Authority shall consider only the question of the condition subject to which planning permission should be granted, and:

¹ Paragraph Reference ID: 17a-013-20230726

- a) *If they decide the planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they should grant planning permission accordingly, and*
- b) *If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."*

- 5.42. The intention of an application under Section 73 of the Town and Country Planning Act is not for the LPA to revisit the key principles of the scheme, as these have already been considered and accepted under the previous grant of planning permission.
- 5.43. The permissible scope of Section 73 applications has been considered in a number of court judgments.
- 5.44. In a judgment handed down by the Court of Appeal in *Finney v Welsh Ministers [2019]*, it was confirmed that the variation of a condition under Section 73 of the Town and Country Planning Act 1990 must not result in conflict with the original description of development.
- 5.45. The scope of a Section 73 application has been more recently considered in the High Court in *Armstrong v SSLUHC & Cornwall Council [2023]*. In that case, the High Court quashed an Inspector's decision relating to plan changes to the design of a house. The court ruled that national planning guidance in England on Section 73 applications was misleading. Such applications are intended to vary, modify or discharge planning conditions, but the guidance also states that it can be used to seek minor material amendments where they are related to a condition.
- 5.46. The Court held that Section 73, was clearly intended to be a provision which enables an applicant to remove or vary a condition, provided that it did not change the nature of the development which had been permitted.
- 5.47. Having regard to law and guidance on Section 73 applications, it is considered that the proposed amendment to the condition detailed in this application is permissible to be considered under this submission.
- 5.48. On this basis, in the assessment of this application, given that the proposed amendment to the wording of the condition would only impact the use of the existing building, ie there would be no associated visual changes to the site, the main issues are :
- Principle of a wider Class E Use;
 - Neighbour Amenity; and
 - Access and Parking.
- 6.1. Each is considered in turn below.

Principle Of A Wider Class E Use

- 6.2. The application site falls within a countryside location for the purposes of applying planning policy.
- 6.3. All tiers of planning guidance seek to support a prosperous rural economy, including through the reuse of existing buildings. Within the development plan, Policy DP14 of the MSDP supports the sustainable growth and vitality of the rural economy, including through the reuse and adaptation of rural buildings for business use, where the building is of permanent construction and capable of reuse without substantial reconstruction or extensive alteration, and where the appearance and setting of the building is not materially altered,
- 6.4. Policy, EG10 of the EGNP supports applications for redevelopment of existing commercial business premises, subject to compliance with a number of criteria.
- 6.5. The application structure comprises a former traditional agricultural building that was converted to commercial reuse pursuant to planning permission, granted in 1995. The use was expanded from a bicycle hire and repair use to include sales of bicycles in January 2006.
- 6.6. More recently, in 2013, permission was granted for physical alterations to the external appearance of the building as part of refurbishment and upgrade of the property.
- 6.7. These permissions reflect the LPA's endorsement over many years that the building is suitable for commercial use.
- 6.8. This is also reflected in the grant of planning permission for commercial use of the residual parts of the quadrangle of buildings in which it is located, the former granary to the west, and the more modern farm buildings to the southwest. Permission was most recently granted in 2024 for significant redevelopment of the wider Saint Hill Farm site for commercial reuse (principally falling within Class B8 and associated offices).
- 6.9. Given the approved commercial use of the application building for over 30 years, and the wider site more recently, it is considered that continued use of the building for commercial purposes is acceptable in principle.
- 6.10. The proposed variation of condition would enable the building to be used for a broader range of uses falling within the former use Class B1.
- 6.11. On this basis, the application would be in accordance with Chapter 6 of the NPPF, Policy DP1, DP12 and DP14 of the MSDP, and Policy EG1, EG2 and EG10 of the EGNP.

Neighbour Amenity

- 6.12. Policy DP26 of the MSDP seeks to resist development that would cause a significant loss of residential amenity to adjoining occupiers.
- 6.13. The closest neighbouring buildings are those to the north (Church of Scientology) and those to the south and west (already in commercial use and with consent to be replaced with new

commercial development). There is a residential dwelling some 65 metres to the south west of the application building, which is occupied in association with the adjacent site as a 'staff dwelling'.

- 6.14. The closest residential properties unassociated with the existing site are located some 55 metres to the north east on the opposite side of West Hoathly Road.
- 6.15. The proposed amendment to the wording of the condition would enable use of the building for purposes that would fall within the former Class B1 range of uses.
- 6.16. These include offices, research and development, and light industrial activities, providing always that they are uses which can, by definition, be carried out in a notional residential environment without detriment to local amenity.
- 6.17. The site is adjoined to the south and west by buildings also used, or approved to be used, for commercial purposes. The buildings to the north are in uses associated with the activities of the Church of Scientology, and in particular as a refectory and for teaching and study.
- 6.18. Given the context of the site, surrounding land uses, and the nature of the proposed uses of the building being suitable in a residential environment, it is considered that the application proposal would not have any undue impact on local amenity.
- 6.19. The application would therefore be in accordance with Policy DP26 and DP29 of the MSDP and Policy EG3 of the EGNP.

Access And Parking

- 6.20. The application building is served by an access some 200 metres to the south of the site that serves the wider Saint Hill Farm. This was formed some 30 years ago, as part of the diversification and reuse proposals of the site.
- 6.21. The access is used by the varied land uses that operate on the site, as well as the former Deers Leap enterprise.
- 6.22. As part of the planning permission for the wider redevelopment of Saint Hill Farm, approval was granted for alterations to the access to comprise widening and re-alignment to facilitate use by large goods vehicles. This has yet to be implemented.
- 6.23. The application proposals envisage the reuse of an existing building which has generated traffic in association with its lawful use for bicycle repair, hire and sales.
- 6.24. It is considered that the proposed alternative reuse of the building for Class E(g) uses would be unlikely to result in a materially greater volume of traffic accessing the site than the lawful use.
- 6.25. Furthermore, the level of traffic that would result from the use of the building, for alternative purposes, would be unlikely to be significant in comparison to the traffic that is accessing the site in association with the commercial use of other buildings at Saint Hill Farm.

- 6.26. The application building extends to some 135 square metres. West Sussex County Council's "Guidance on Parking at New Developments" indicates a requirement for 1 parking space per 30 square metres of floorspace for class E(g) uses, together with 1 cycle space per 150 square metres for staff and 1 space per 500 square metres for visitors. Applying this standard would generate a requirement for some 5 car parking spaces to be provided in association with the application building.
- 6.27. The site is served by an extensive area of hardstanding, a short way to the south of the application building, that is used as part of the commercial enterprises at Saint Hill Farm. This also served the former Deers Leap Park Enterprise. This area of parking has long served the uses at the site, and would continue to provide sufficient parking to serve the development, in accordance with adopted standards.
- 6.28. It is considered that the application proposal would have no undue impact on highway safety or capacity, and the scheme would provide on-site parking to meet the needs of users of the building. On this basis, the application is in accordance with the requirements of Chapter 9 of the NPPF, Policy, DP21 of the MSDP, and Policy EG10, EG11, and EG12 of the EGNP.

7. SUMMARY AND CONCLUSION

- 7.1. This Planning Statement has been prepared in support of an application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 3 of application GR/05/02744/FUL. The proposed variation seeks to allow a broader use of the building that fall within Class E(g) of the Town and Country Planning (Use Classes) Order 1987, as amended.
- 7.2. The application has for many years been used for commercial purposes. The use is currently limited by virtue of a condition attached to the grant of consent for use of the building for retail purposes. With the recent closure of Deers Leap Bikes, the existing restrictive condition limits the potential for alternative uses.
- 7.3. All tiers of planning guidance support the commercial re-use of rural buildings. The commercial use of the building was first granted by the LPA some 30 years ago. Its continued commercial use and commercial use of the wider Saint Hill Farm site, has been endorsed by the LPA by the subsequent grants of planning permission, most recently in 2024.
- 7.4. The variation of condition would facilitate use of the building by a broader number of commercial occupiers and this is considered acceptable in principle.
- 7.5. The proposed uses would comprise those that fall within a use class category that, by definition, can co-exist in a residential environment without causing harm to local amenity.
- 7.6. The scheme is unlikely to result in a material increase in traffic compared to the lawful use, and would, in any event be modest compared to the wider commercial uses that take place on the wider Saint Hill Farm site. The property is served by a long-standing access and extensive parking area. These would ensure safe access and adequate parking to meet the needs arising from future occupiers of the building.

- 7.7. In conclusion, the proposed variation to Condition 3 is a logical and necessary amendment to enable the continued commercial use of the building in a manner compatible with planning policies and local character. The proposal would ensure that the building can continue to contribute positively to the local economy.
- 7.8. On this basis, it is submitted that the amendment to Condition 3, as sought under this Section 73 application, is acceptable and should be approved.