

ANNEX A

Pre-App Submission

Ms. J. Holmes
Assistant Chief Executive
Development Management
Mid Sussex District Council
Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

18 April 2024

Our Ref: J004696

Dear Ms. Holmes,

**REQUEST FOR PRE-APPLICATION ADVICE REGARDING THE CONVERSION OF
BARN TO RESIDENTIAL USE AND PROVISION OF BIODIVERSITY
ENHANCEMENTS AT LAND NORTH OF STAPLEFIELD ROAD, SLAUGHAM,
HAYWARDS HEATH RH17 6AG**

I refer to the above. WS Planning & Architecture have been instructed by Mr. L. Nugent to submit a request for pre-application advice regarding the conversion of a barn to residential use and provision of biodiversity enhancements at Land North Of Staplefield Road, Slaugham, Haywards Heath RH17 6AG.

We enclose the following in support of the pre-application proposal:

- Pre-application form
- Drawing no. J004696-CD-01 Site Location Plan
- Drawing no. J004696-CD-02 EX Block Plan
- Drawing no. J004696-CD-03 PP Block Plan with Indicative Biodiversity Enhancement
- Annotated Sketch Plan of Existing Floor Plans
- Annotated Sketch Plan of Existing Elevations
- Drawing no. DE1238-04 Proposed Plans
- Drawing no. DE1238-05 Proposed Elevations

This letter should be reviewed in conjunction with the above documents.

WS Planning & Architecture

enquiries@wspace.co.uk | wspace.co.uk

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Proposal

The proposal seeks the conversion of an existing barn situated on the land to a residential use whilst also making provision for biodiversity enhancement within the wider site.

The proposal is for a conversion of a barn building, and as such, limited consideration can be given to design considerations given the constraints of the existing building. However, it is suitably sized such that a conversion and compliance with the Nationally Prescribed Space Standards can be achieved.

This pre-application submission seeks the Council's position on the principle of the proposed conversion development at the application site, and will likely be followed by a full application submission, accompanied by the necessary details and fully considered enhancement measures.

Application Site

The site forms part of the former Slaugham Garden Nursery which has been vacant for a number of years.

The site is located west of the village of Slaugham. An aerial photograph of the application site is shown at **Figure 1**.



Figure 1 Aerial image of application Site

The site is accessed from the south via Staplefield Road. To the west of the access way into the site, is an area of land that formed the nursery area. There were some poly tunnels remaining on this land. To the north of the site is a field which has a number of trees within the site. On the southern boundary of this land is a shipping

container. To the west and east of the site there is substantial tree screening along the boundaries, with fields beyond this.

The site is situated within the Countryside Area of Development Restraint and the High Weald Area of Outstanding Natural Beauty. In addition, to the east of the site is an Ancient Woodland (Homestead Wood).

The application site is located in Flood Zone 1.

Relevant Planning History

The application site itself has an array of history, extending from certificates of lawfulness to proposals for residential dwellings. The history of the site is set out below,

01/01934/FUL	Withdrawn
New security fencing to front of site.	
01/01947/COU	Withdrawn
Change of use from horticultural to mixed use horticultural and office use in association with applicant's business.	
02/02623/COU	Withdrawn
Change of use to mixed use for landscaping, agricultural and construction works, contractors using the premises.	
03/02354/COU	Withdrawn
Personal temporary planning permission for Woods and Baines Construction Ltd for change of use from agricultural to class B1 use (business use), with ancillary storage, for a period of two years.	
08/03044/COU	Refused
Change of use of building to commercial uses falling within Use Classes B1 and B8. (Amended description and amended Site Plan received 17/11/08)	
12/02876/LDC	Refused
The use of land for the storage of plant equipment and materials by a ground work contractor. This is an application to establish whether the development is lawful: this will be a legal decision where the planning merits of the proposed use cannot be taken into account.	
DM/16/4406	Refused
Outline Planning Application for 9 Residential Units at the former site of Slaugham Garden Nursery.	
DM/17/4326	Refused & Appeal Dismissed
Proposed 3 No. four bedroom dwellings on land at Slaugham Garden Nursery.	

DM/19/4269

Refused & Appeal Dismissed

Existing Lawful Development Certificate sought for use of a Barn as a Dwellinghouse.

DM/22/2015

Refused & Appeal Dismissed

Proposed change of use of land to a Transit Site for Gypsy/Traveller's comprising the formation of 6 Touring Caravan Pitches for nomadic use only, and the erection of 6 utility buildings, as well as the formation of a children's play area

A point which was established within the appeal proceedings for DM/22/2015 was that for the purposes of the National Planning Policy Framework, and indeed the Planning Policy for Traveller Sites, is that the site is most certainly an "unitdy / derelict" site.

Below, I set out the enforcement history of the site,

- 16th April 1996 - Enforcement Notice issued for change of use from horticulture to groundwork business and siting of portakabins - Notice complied with to date but remains in effect and extant.
- 16th April 1996 - Enforcement Notice issued for construction of hardstanding - Notice complied with but remains in effect and extant.
- EF/03/0134 - 16th July 2003 - Enforcement Notice issued for erection of a fence in excess of 2m in height. - Notice complied with but remains extant.
- EF/08/0355 - Unauthorised COU Nursery to storage B2 + builders yard sui generis – Breach recorded as having ceased in 2014 without recourse to Enforcement Notice.
- EF/17/0469 - Unauthorised waste imports – Breach recorded but LPA notes set out that there was no substantiated evidence of a breach of planning control. Case closed as not expedient to pursue further.

Important to record in respect of the above enforcement activities is that under section 57(4) of the 1990 Act, reversion to the previous lawful use of land is allowed where a later use has been successfully enforced against. Specifically, it is stated that,

Where an enforcement notice has been issued in respect of any development of land, planning permission is not required for its use for the purpose for which (in accordance with the provisions of this Part of this Act) it could lawfully have been used if that development had not been carried out.

In this respect, the April 1996 Notice's are important to be considered. There has been no further *successful* enforcement action recorded, and so planning permission is not required to revert the use of the land to that of Horticulture. For the purposes of this submission, and so without prejudice to any further consideration of any other matters or possible claims of lawful use, this is the baseline context in which the site is considered for the purposes of this proposal, also accounting for the Inspector's comments in the prior appeal proceedings. As such, the site is treated as a redundant horticultural unit for the purposes of this proposal.

National Planning Policy Framework (NPPF) December 2023

The revised National Planning Policy Framework (NPPF) was published in December 2023 and sets out the Government's most up-to date vision for future growth. The document introduces a presumption in favour of sustainable development. The Ministerial Foreword highlights that **"sustainable development is about positive growth – making economic, environmental and social progress for this and future generations"**. The opening statement goes on to state that **"development that is sustainable should go ahead, without delay"**.

Paragraph 38 highlights that **"local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible"**.

Paragraph 47 states that,

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."

Paragraph 73 makes it clear that LPA's need to identify and update annually a supply of specific sites to provide a minimum of 5 years supply.

Paragraph 85 of the NPPF acknowledges that some residential development will be located beyond the settlement boundary and not well served by public transport.

Paragraph 105 states that **"the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making"**. This paragraph acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Mid Sussex District Plan 2014-2031

The District Plan is the main planning document used by the Council when considering planning applications. It includes the strategy, proposed level of development and a number of planning policies.

Mid Sussex District Council adopted its District Plan on 28th March 2018. In accordance with National Policy, legislation, and a commitment in the adopted District Plan, the District Council have commenced a review of the District Plan.

The following policies are identified as being relevant to considerations on this proposal,

- Policy DP6 - Settlement Hierarchy
- Policy DP12 - Protection and Enhancement of Countryside
- Policy DP15 - New Homes in the Countryside
- Policy DP16 - High Weald Area of Outstanding Natural Beauty
- Policy DP26 - Character and Design
- Policy DP38 - Biodiversity

Policy DP6 sets out the Settlement Hierarchy in the District. It identifies Slaugham as a Category 4 settlement with limited services, often only serving the settlement itself.

Policy DP12 regards protection and enhancement of the countryside. The policy sets out that,

The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- **it is necessary for the purposes of agriculture; or**
- **it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.**

Policy DP15 regards new homes in the countryside of the District, and contains a part specific to the re-use and adaptation of rural buildings for residential use. This part of the policy states:

Re-use of rural buildings for residential use

The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed* agricultural building which has not been or has been little used for its original purpose and:

- **the re-use would secure the future of a heritage asset; or**
- **the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.**

****For the purposes of this policy, the term ‘recently constructed’ will generally be held to apply to buildings constructed within about two/three years of a planning application for their re-use or adaptation.***

Policy DP16 regards the High Weald National Landscape. The policy requires development within the National Landscape to conserve or enhance natural beauty, and have regard:

- **the identified landscape features or components of natural beauty and to their setting;**
- **the traditional interaction of people with nature, and appropriate land management;**
- **character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and**
- **the conservation of wildlife and cultural heritage**

The policy also states that *“Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported” and “Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB...”*.

Policy DP26 regards Character and Design, and requires all development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside.

Policy DP38 regards Biodiversity and sets out that Biodiversity will be protected and enhanced, by requiring development contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure; Protects existing biodiversity; Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; Promotes the restoration, management and expansion of priority habitats in the District; and Avoids damage to, protects and enhances the special characteristics of valued ecological land.

Slaugham Neighbourhood Plan

The Slaugham Neighbourhood Plan (SNP) was ‘made’ in September 2019 and covers the Plan period 2014-2031. The Slaugham Neighbourhood Development Plan 2014 - 2031 is part of the Development Plan of the Mid Sussex District Council Local Planning Authority Area as defined at Area Designation by Mid Sussex District Council on 9th July 2012. This means that the policies in the Neighbourhood Plan are now given full weight when decision makers assess Planning applications in the parish of Slaugham.

Policy 1 regards the protection of the Area of Outstanding Natural Beauty, and reflects Policy DP16 of the Mid Sussex Development Plan.

Policy 3 of the document regards Green Infrastructure and reflects the intention of Policy DP38 of the Mid Sussex Development Plan insofar as setting out that development which conserves, enhances, and maintains Green Infrastructure will be supported.

Principle of Development

This pre-application enquiry seeks the Council's position on the principle of development in terms of the conversion of an existing barn situated on the land to a

residential use, whilst also making provision for biodiversity enhancement within the wider site.

The building related to this proposal is a metal framed barn which lies to the southern end of the site. It is of single skin metal construction with only one small external window. For the purposes of this application, the building is considered to remain of sound structure, but it is noted that a full application may need to be accompanied by a structural survey.

Policy DP15 sets out that the re-use of rural buildings for residential use is generally acceptable in principle, provided that the building is not of recent construction. This is not the case on the development site, given that this structure has been in-situ since pre-2000, and was originally a part of the Horticultural Nurseries use.

The policy also requires that such proposals secure the future of a heritage asset, which in this case is not relevant as the site is not a heritage asset and does not form part of the conservation area, but I would note that the development could lead to an enhancement of the Conservation Area's setting. The policy also requires any re-use to lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area.

It is considered that the proposal has the opportunity to achieve such an enhancement as is required by the policy. This is said, taking into account the Inspector's comments in relation to the appeal under DM/22/2015, and her comments at Para's 27, 29, and 30 of her decision letter,

"27. The appeal site was previously occupied by Slaugham Garden Nursery and historically contained a number of poly tunnels and areas of hardstanding remain, as well as several small buildings associated with its previous use. At the time of my visit it was generally untidy and neglected with various items not connected with the previous use being stored haphazardly across the site.

...

29. Whilst the existence of the existing structures on the site and the domesticated character of some of the landscaping has altered the character of the site and results in it having a semi developed nature, the site retains an organic form with a mixture of landscaping present. It does not have the appearance of a domestic setting and retains its rural presence within the landscape.

30. The site does not contribute to the built up linear character of Slaugham which is clustered around the church, approximately 260m from the site and instead forms part of the wider rural landscape which extends beyond the village edge. In this regard the proposed development would not have a direct visual impact upon the built up character of the village."

It is considered that through the imposition of conditions on a possible grant of planning permission, the character of the area can be improved, as well as enhancement to the AONB. This can be achieved through landscaping, and requiring compliance with such a scheme for the duration of the development, thus resulting in the derelict and untidy nature of the site being improved, and it restored to a less semi-developed nature.

The proposal would utilise the existing access infrastructure, and so the impact of the development would not change from that of the existing, given that the barn is tucked to the right of the access road. What would be proposed is to reduce the extent of the hardstanding, and replant. This would serve to both improve views into the site, and enhance biodiversity given that sealed urban surfaces have a value of 0 in the DEFRA Metric.

It is also noted that the area to the left of the access is quite wild. It is considered that it would be more beneficial of this area to be properly maintained for a duration, such that it has a notably more beneficial biodiversity value.

Given how the existing structure is located on the site, the extent of residential curtilage and amenity space would be most appropriately located within its immediate setting. It is acknowledged that this would likely result in some clearance and removal of vegetation such that the space can be fully deployed and optimised, but given the extent of the applicants ownership there is sufficient space to compensate for the habitat area lost. These details would be fully considered within a full application, but the plan submitted alongside this submission considers a modest area which would sit within the confines of the “free” space identified by the previous Tree Survey.

With regards to Policy DP38, as is indicated, a notable extent of enhancement is capable of being achieved, and it is considered from a broad overview that this could achieve more than the required 10% Net Gain, and if so, would represent an added “benefit” of the proposal.

Turning to issues previously identified, given that it is submitted to be compliant with DP15 and DP38, I do consider that subject to further details being prepared and the use of conditions, the proposed development could be found to be compliant with the development plan as a whole, but it remains the case that a prior appeal dismissal in relation to a Housing development exists on the site.

In this regard, on the matter of sustainability, I refer again to the Inspector’s decision for DM/22/2015, and in particular Para 25. The Inspector highlighted that she was not bound by those conclusions, as the proposal before her was for a different form of development. The same is true in this instance, as whilst it is for a residential dwellinghouse, it is not a new build proposal, but a conversion. Paragraph 109 of the NPPF recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and proposals which comply with Policy DP15 are most likely to be located within such constraints. As such, whilst the site may be deemed to be not ideally located for such a residential use, in that future occupants of the scheme would likely not be able to access services and facilities by walking, cycling or public transport. they would only be a short drive from services and facilities that are available in the wider area, and any conflict which arises is tempered by the context in which the proposal is set, as a proposal for the conversion of an existing rural building.

I do not consider the site to be isolated, such that reliance on Paragraph 84 of the NPPF could be used, as it is in good proximity to an existing settlement, albeit one with very limited services and facilities. Indeed, this same Paragraph acknowledges that the re-use of redundant or disused buildings is an appropriate circumstance to allow isolated development provided it also enhances the immediate setting.

In conclusion, it is considered that the proposal should be considered acceptable in principle, and would be a modest scale development, which would also serve to provide potential enhancements to the character of the area, as well as the landscape of the AONB itself.

It is requested that the LPA consider the proposals in the broad scope that they have been framed, and advise their views on the principle of development, as well as what level of Biodiversity Net Gain, beyond the mandatory 10%, they would consider to be a significant additional benefit of the development, such that, provided the principle is deemed acceptable, a more detailed scheme can be considered, prepared, and submitted to the LPA for consideration as part of a full application.

It is requested that these documents be considered, and that an in-person, or virtual, meeting be held to further discuss the potential of the development. If you have any queries regarding the above, please contact me at the office. In the meantime, we look forward to meeting to further discuss the proposal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Brownjohn', with a stylized, flowing script.

Peter Brownjohn
Senior Planner

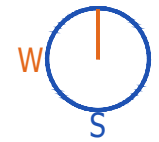


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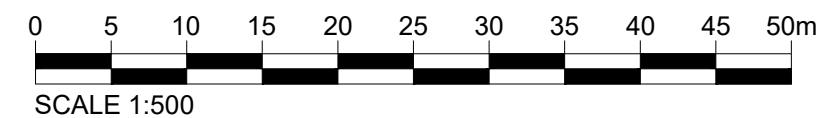
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Rev	Date	Description
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Date June 2022		Drawn By MR
Scale 1:2500@A3		Checked BW
Client Mr Nugent		
Project Land at Staplefield Road, Rhineham, Haywards Heath, RH17 6AG		
Title state Site Location Plan		
Drawing. No. J004696-CD-01		Rev.

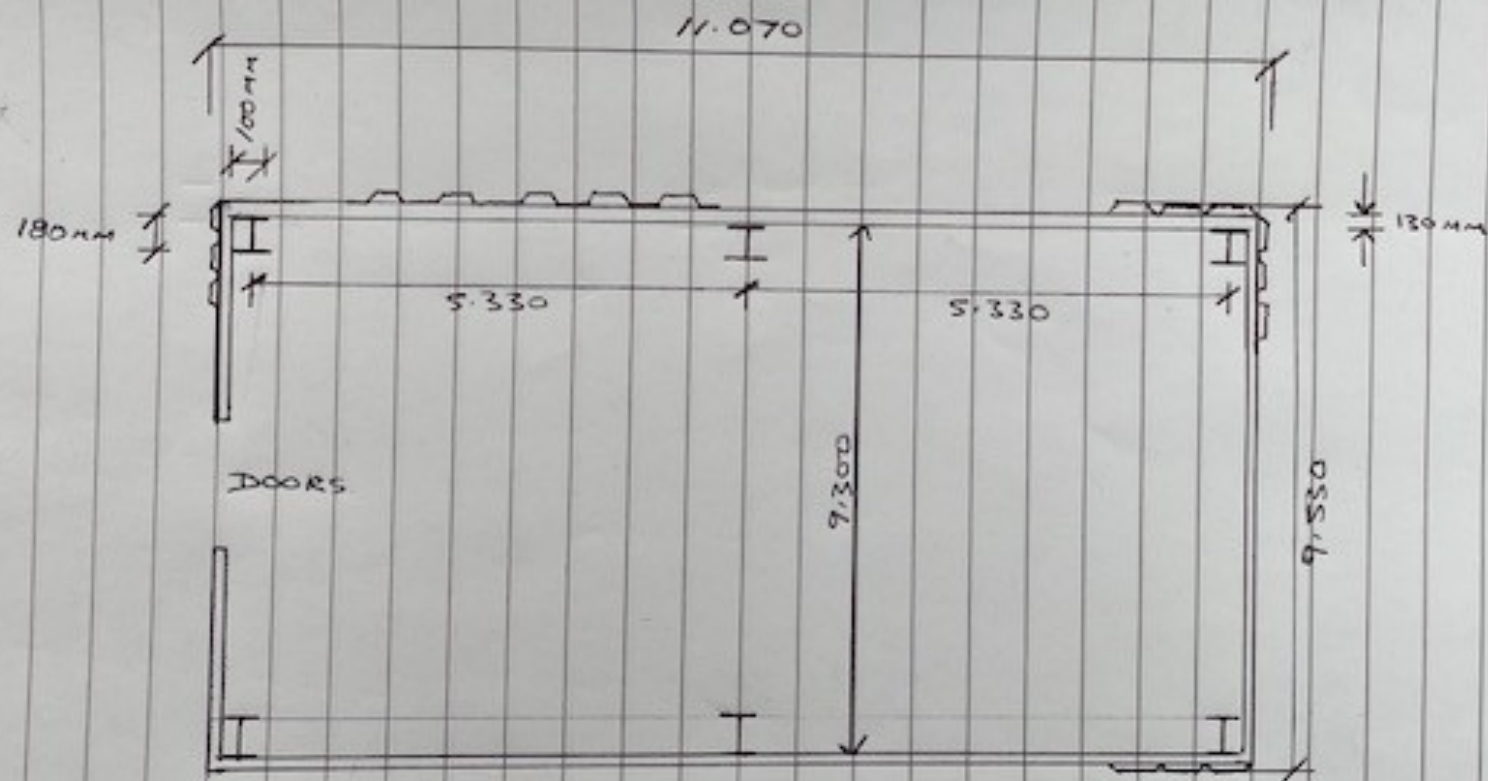
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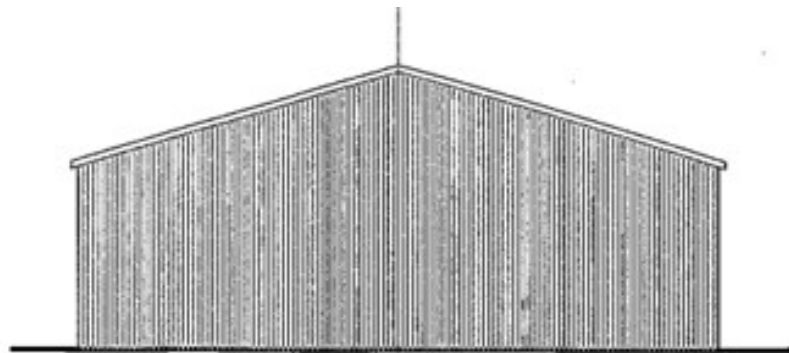


As Existing Site Plan

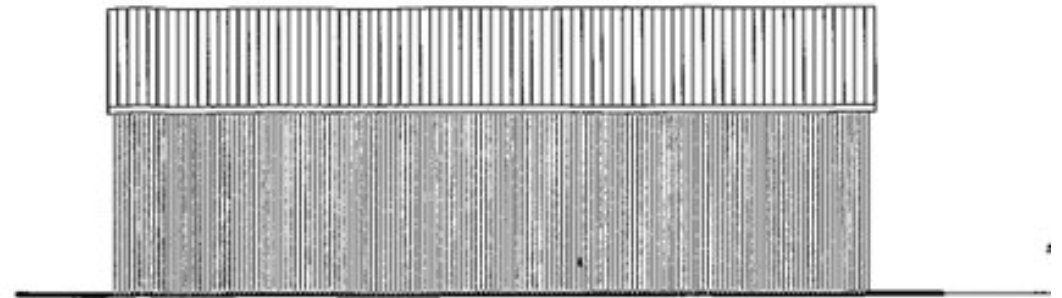


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WS PLANNING & ARCHITECTURE Surrey Office: 5 Pool House, Bancroft Rd, Reigate, RH2 7RP London Office: No.1 Croydon, 12-16 Addiscombe Rd, Croydon, CR0 0XT T: 01737 225711, T: 02038 281180, www.wspa.co.uk, admin@wspa.co.uk		
Date	June 2022	Drawn By: MR
Scale	1:500@A3	Checked: BW
Client	Mr Nugent	
Project	Land at Staplefield Road, Slaugham, Haywards Heath, RH17 6AG	
Title	As Existing Site Plan	
Drawing No.	J004696-CD02	Rev.



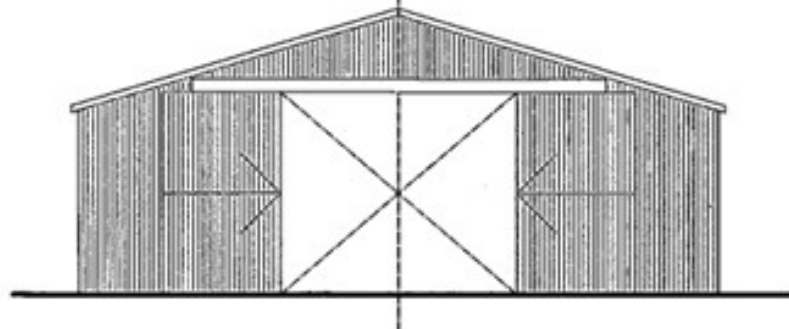


SOUTH ELEVATION

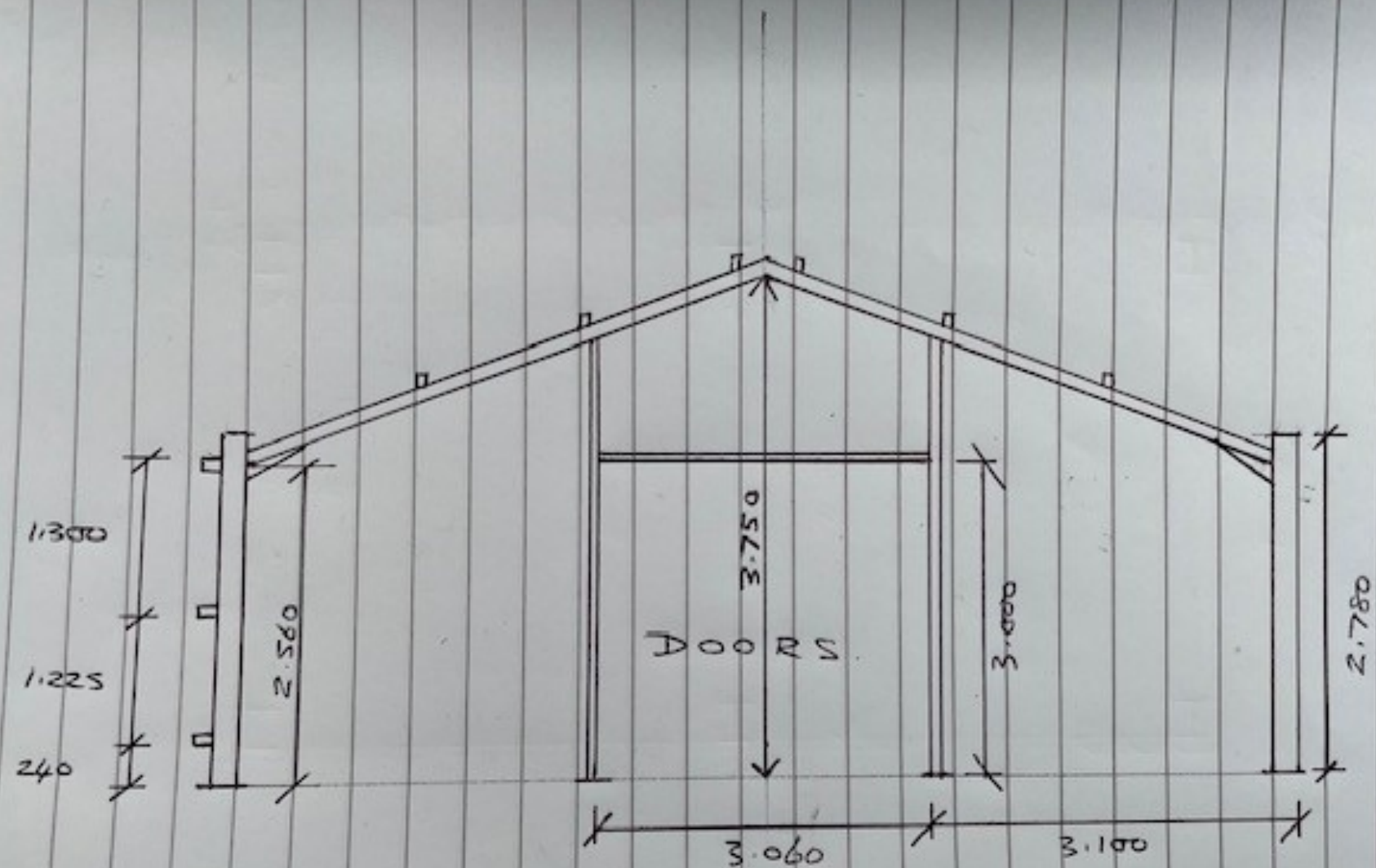


EAST & WEST ELEVATIONS

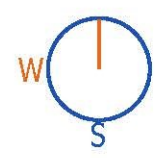
EXISTING BUILDING RETAINED



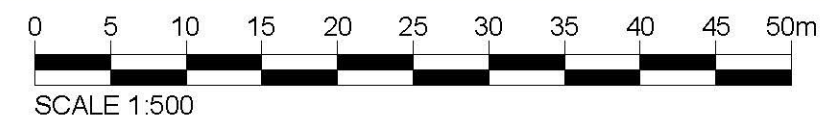
As Existing Elevation Plans Submitted under Application Reference 08/3044/COU



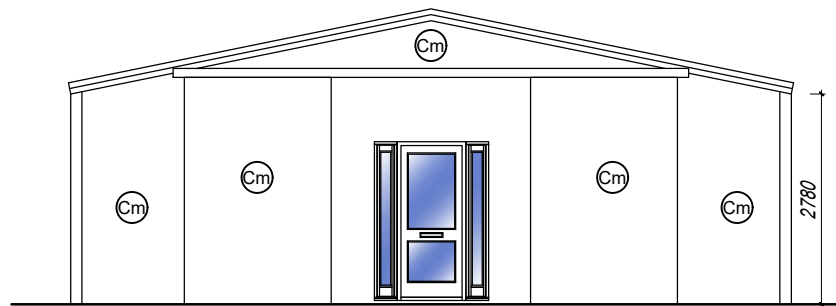
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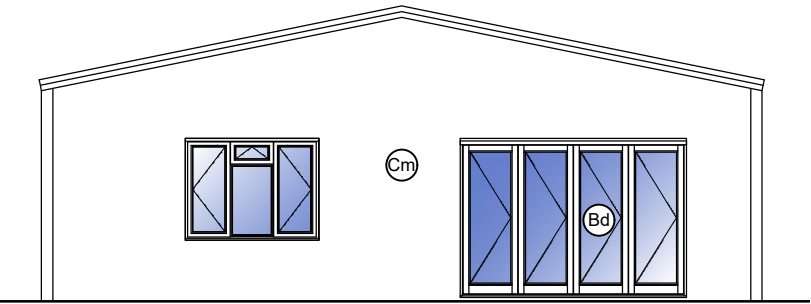
As Existing Site Plan



Rev	Date	Description
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Date	June 2022	Drawn By: MR
Scale	1:500@A3	Checked: BW
Client	Mr Nugent	
Project	Land at Staplefield Road, Slaughtam, Haywards Heath, RH17 6AG	
Title	As Proposed Illustrative Site Plan	
Drawing No.	J004696-CD03	Rev.

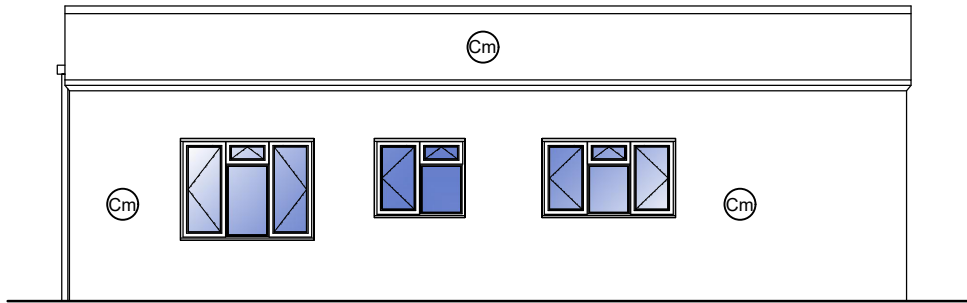


PROPOSED FRONT ELEVATION
SCALE 1:100

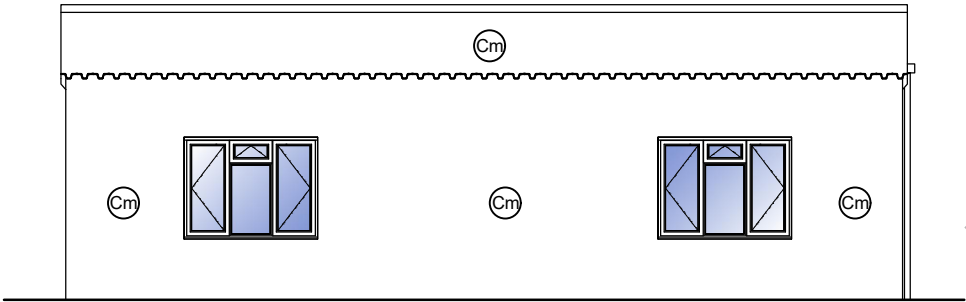


PROPOSED REAR ELEVATION
SCALE 1:100

MATERIALS KEY:	
(T)	Concrete interlocking tile roof.
(Pt)	Plain clay tile roof.
(Fr)	Flat Roof.
(Zi)	Zinc Seam Roof.
(Sr)	Shingle Roof.
(St)	Slate Tile Roof.
(Br)	Facing Brickwork.
(Th)	Tile hanging.
(Re)	Render Finish.
(Tc)	Timber Cladding.
(Cm)	Corrugated metal
(Sn)	Stone Finish
(Pr)	Pebble Dash Render
(uW)	uPVC sealed double glazed casement units.
(Us)	Sealed double glazed sliding sash all bar.
(Og)	Obscure glazed.
(Bd)	Bi-Fold doors - PC Aluminium
(Pd)	Patio Doors
(Vw)	Velux window.



PROPOSED SIDE ELEVATION
SCALE 1:100



PROPOSED SIDE ELEVATION
SCALE 1:100

DRAFT ISSUE 1



Scale Bar 1:100

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3. No works to commence without either full plans building control approval or a building notice served with the local authority.

4. The dimensions indicated are approximate and subject to site checks by the contractor prior to commencement.

5. DMA Building Designs accept no responsibility for any unknown factors which either preclude the works from construction or add additional costs, ie location of public sewers and underground services, abnormal foundation designs, due to trees, ground conditions or any underground structure or obstruction. condition of the existing building.

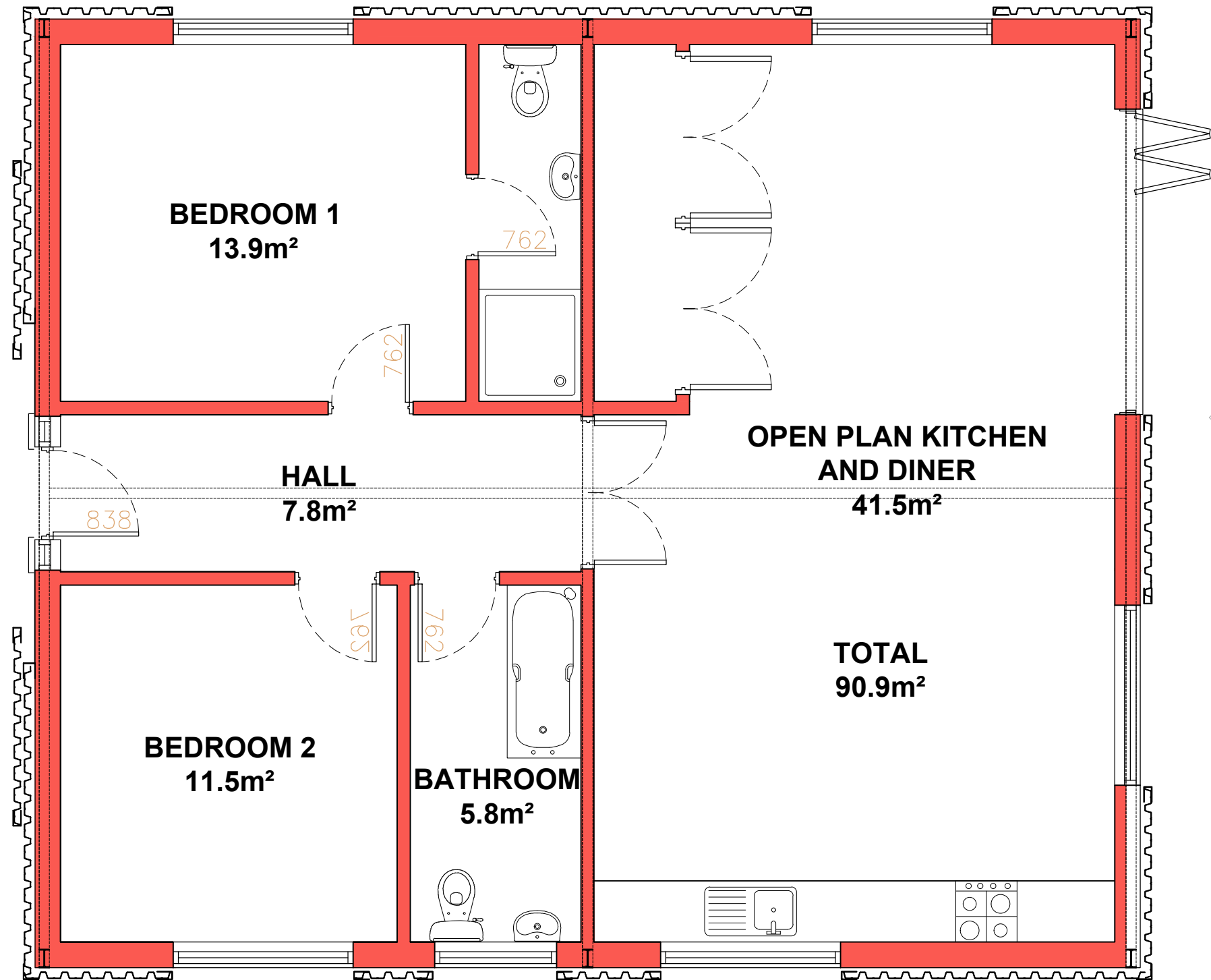
DMA
BUILDING DESIGNS

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RUDGWICK, HORSHAM, WEST SUSSEX, RH12 3DH.
TEL No 01403 822220 Mobile 07730 523447
Email - admin@dmabuildingdesigns.co.uk

CLIENT
MR L NUGENT

PROJECT
XXX

P1	ISSUED FOR PLANNING APPROVAL	XXX
REV	DESCRIPTION	DATE
DRAWING PROPOSED ELEVATIONS SLAUGHAM GARDEN NURSERY, STAPLEFIELD ROAD, SLAUGHAM, RH17 6AL		
SCALE @ A3 1:100	DATE FEB 2024	DRG No DE1238 / XX
		REVISION P1



PROPOSED GROUND FLOOR PLAN

SCALE 1:50



Scale Bar 1:50

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DMA
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PROJECT
XXX

P1	ISSUED FOR PLANNING APPROVAL	XXX
REV	DESCRIPTION	DATE
DRAWING PROPOSED FLOOR PLANS SLAUGHAM GARDEN NURSERY, STAPLEFIELD ROAD, SLAUGHAM, RH17 6AL		
SCALE @ A3 1:50	DATE FEB 2024	DRG No DE1238 / XX
	REVISION P1	