

Planning Committee



Recommended for Permission

11th September 2025

DM/25/1666



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Site:	Ashwyn Business Centre Marchants Way Burgess Hill West Sussex RH15 8QY
Proposal:	Removal of condition No 8 relating to Planning Application BH/205/84 to allow for multiple occupation of units.
Applicant:	Camper Sales Ltd
Category:	Minor Manufacturing
Target Date:	12th September 2025
Parish:	Burgess Hill
Ward Members:	Cllr Simon Hicks / Cllr Anne Eves /

Case Officer:	Anna Tidey
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Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SYITI1KT0G300>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks to remove Condition 8 of the planning approval under BH/205/84 to allow for multiple occupation of the 10 units at Ashwyn Business Centre, of Marchants Way in Burgess Hill.
- 2.2 The application is being reported to committee as MSDC is the landowner.
- 2.3 The planning condition that the application seeks to remove currently restricts the use of the 10 starter units for separate business users. This restriction has historically been breached, and this application seeks to remove the condition to allow for units larger than 150 square metres to be used.
- 2.4 The primary consideration is whether the starter units at Ashwyn Business Centre have served their purpose in allowing a local business to expand and whether, in light of other recent local unit developments, there is a need to limit the size of the internal space for each unit via Condition 8 of planning approval BH/205/84.
- 2.5 It is considered that the proposal accords with the aims of District Plan Policy DP1: Sustainable Economic Development, which seeks to support economic development within the District and encourages effective use of employment land and premises.
- 2.6 It is a material consideration that Burgess Hill and the surrounding areas are well served by existing and new business units for Light Industrial uses, including those recently permitted at Goddards Green, at Bolney Grange Industrial Estate and in the town at Victoria Industrial Estate.
- 2.7 The site is located within the built-up area boundary of Burgess Hill and as such is within a sustainable location for development. The proposal accords with the aims of District Plan Policy DP21 and can be supported on transport and accessibility grounds.
- 2.8 The position of the Ashwyn Business Centre relative to neighbouring residents and nature of the proposed Light Industrial use means that there will be no adverse effect upon neighbouring amenities as a result of the removal of Condition 8 of BH/205/84. Protection will be maintained over the permitted use, noise levels and hours of business as the recommended planning conditions that are currently applicable to the ten original units are repeated from the 1984 approval, minus the

now irrelevant pre commencement conditions. The proposal is therefore considered to accord with District Plan Policy DP26 in regard to the protection of neighbouring amenities.

- 2.9 The character of the industrial estate at Marchants Way is established. The removal of Condition 8 of BH/205/84 will not impact upon the neighbouring businesses in the vicinity of the Ashwyn Business Centre or negatively impact upon the character of the overall area. The proposal is therefore considered to accord with District Plan Policy DP26.

3.0 Recommendation

- 3.1 It is recommended that permission be granted to remove planning condition No: 8 of planning permission BH/205/84, subject to the conditions listed at Appendix A.

4.0 Summary of Representations

- 4.1 None received.

5.0 Summary of Consultees

MSDC Corporate Estates (Property): The units can no longer be considered starter units given the length and nature of the current tenants who have been in occupation between 5-18 years. In addition, because of custom and practice over the years limiting the number of units to one per firm at any one time has not been consistently applied or enforced. Historically, for example, Dansk T/A Heat Mat occupied Units 8, 9 & 10 from 2002 to 2020 and Vegus to occupied units 1 & 2 from 2013 to 2017. Camper Sales Ltd currently occupy 4 units on various lease lengths, two of which extend to 2030.

Given the historical precedent, the current occupation and lease tenures Mid Sussex District Council as the landowner would not object to removal of Condition 8 attached to planning permission reference BH/205/84.

6.0 Town/Parish Council Observations

- 6.1 Burgess Hill Town Council: Recommend Approval.

7.0 Introduction

- 7.1 Ashwyn Business Centre on Marchants Way consists of a large industrial building in which 10 Light Industrial starter units were originally permitted under planning application BH/205/84. These units are in use by several companies.
- 7.2 The planning approval, dated 30.11.1984, was subject to 14 planning conditions. This application seeks to remove Condition 8, which states:

‘Except with the prior written consent in writing of the Local Planning Authority, no more than one factory unit having a floor area of 150 square metres or less shall be occupied at any one time by any one firm or subsidiary thereof.

Reason: In order to maintain the availability of small units as starter factories in accordance with Structure Plan policy and policies contained in the Burgess Hill District Plan.’

- 7.3 This application seeks planning permission to remove condition 8 so that there is no restriction on the size of firm that can occupy any of the units.

8.0 Relevant Planning History

- 8.1 The following application is relevant to the current case.
- 8.2 BH/205/84. Erection of 10 starter industrial units. Approved November 1984

9.0 Site and Surroundings

- 9.1 Ashwyn Business Centre is a large industrial building located within an established industrial estate (known as Sheddingdean Industrial Estate), which is located to the north east of Burgess Hill. Access to the estate is via the roundabout junction at the northern end of London Road, via Marchants Way.
- 9.2 The building is constructed in brick with metal clad elevations. It contains ten business units with some mezzanine space and associated offices. There are five units located on the each of the east and west facing elevations of the building, which are accessed from two separate gated access points on the southern side of Marchants Way. The perimeter of the site is fenced in with security fencing. Forecourts to each side contain on-site parking space for the users of the units.

10.0 Application Details

- 10.1 The application has been made by ‘Camper Sales Ltd’ and seeks to remove Condition 8 of BH/205/84. The application has been supported by a covering letter prepared by the applicant’s agent.
- 10.2 The covering letter explains: the applicant’s business has been located on the Sheddingdean estate since March 2008, they are established at Unit G (and formerly at Unit K) on the estate, and that the business has grown in recent years, and they have occupied additional units within the Ashwyn Business Centre, which is located close to their sales unit. The history of the business expansion is detailed and the dates of the occupation of Units 7 (January 2025), 8 (November 2023), 9 and 10 (February 2020) by the business is explained.
- 10.3 It is confirmed that the business is in the process of buying the freehold of the property. The restriction on the original permission has come to light in this process. The application is sought to allow flexibility for business growth.
- 10.4 The supporting statement concludes that the occupation of Ashwyn Business Centre by Camper Sales Ltd does not displace other businesses, nor reduce employment space, but will continue a single-user occupancy pattern established

by the previous unit occupier (Heat Mat), and allow a natural business evolution, allowing Camper Sales Ltd to regularise its continued use of their premises.

- 10.5 The result of this application would be to issue a new planning permission, with reference to the original approval under BH/205/84, dating from 1984. It is not considered necessary to go through the planning issues that were considered at the time of the original application for the industrial unit in this report.

- 10.6 The original hours of use would still apply to all the units within the building, as restricted by condition 14 of BH/205/84. This states:

'The premises shall not be occupied except between the hours of 7.00am and 7.00pm Mondays to Fridays and 8.30am and 7.00pm Saturdays and shall not be occupied on Sundays or Public Holidays. Reason: In the interests of residential amenity.'

- 10.7 The effect of the proposal is that instead of the ten smaller starter units, originally provided at Ashwyn Business Centre, larger business premises could be created. From the information contained in the agent's supporting statement it appears that the internal space in the building has already undergone change to accommodate former users of at least four of the original ten starter units.

- 10.08 Further clarification has been sought from the applicant's agent regarding the current occupiers of the building. Details have been provided regarding the leases they hold.

- 10.9 This application would regularise the current applicant's use of Units 7-10 as a combined unit for one business user. This application will regularise this situation for the benefit of an expanding local business.

11.0 Legal Framework and List of Policies

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

- 11.2 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) And local finance considerations, so far as material to the application, and
c) Any other material considerations.'

- 11.3 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.'

- 11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every development plan 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.

- 11.5 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.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan, the Burgess Hill Neighbourhood Plan and the Site Allocations Development Plan Document.
- 11.7 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.

11.8 Mid Sussex District Plan

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

Policy DP1: Sustainable Economic Development
Policy DP6: Settlement Hierarchy
Policy DP21: Transport
Policy DP26: Character and Design
Policy DP28: Accessibility
Policy DP29: Noise, Air and Light Pollution

11.9 Mid Sussex Site Allocations Development Plan Document

Mid Sussex District Council adopted its Site Allocations Development Plan Document on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no policies deemed relevant to this application.

11.10 Burgess Hill Neighbourhood Plan - made on 28 January 2016.

No relevant policies.

11.11 Other Material Considerations

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

- 11.13 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:

DPS6 Health and Wellbeing

DPN7 Noise Impacts

DPB1 Character and design

DPE2 Sustainable Economic Development

DPE2 Existing Employment Sites

11.14 Mid Sussex Design Guide Supplementary Planning

11.15 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.

11.15 National Planning Policy Framework (NPPF) (December 2024)

12.0 Assessment

12.1 This application was made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that *'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-*

(a) if they decide that 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 shall 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.'

12.2 Accordingly, the issue to consider is whether the removal of the condition (Condition 8 of BH/205/84) is acceptable. The removal of the planning condition will have the effect of allowing the use of more than one of the original starter units (to exceed the 150 square metre size) in the building by a single business. This change would have no impact upon the physical size of the existing building or upon its external appearance.

- 12.3 The permitted light industrial use of the building would remain unchanged. This is the subject of condition 12 of BH/205/84, which states:

‘The premises shall not be used other than for light industrial purposes falling within Class III of the Town and Country Planning (Use Classes) Order 1972 unless written consent is granted by the Local Planning Authority on an application in that behalf.
Reason: To safeguard local amenities.’

- 12.4 The issues for consideration in the application relates to the economic impact of the proposal, the impact of the change upon the amenity of residential neighbours and to the wider character of the area.

12.5 Economic Impact

- 12.6 Relevant in the determination of this application are the aims of District Plan Policy DP1: Sustainable Economic Development, which seeks to support economic development within the district. The stated aims of this policy include: ‘Encouraging high quality development of land and premises to meet the needs of 21st century businesses and supporting existing businesses and allowing them room to expand.’
- 12.7 The policy also encourages ‘*Effective use of employment land and premises*’, and it states this can be achieved by: ‘*Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use and by Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan.*’
- 12.8 It is a material consideration that Burgess Hill and the surrounding areas are well served by existing and new business units for Light Industrial uses, including those recently permitted at Panattoni Park at Goddards Green, and at The Farmers Stores, and others at Bolney Grange Industrial Estate and on Victoria Industrial Estate in the town.
- 12.9 It is considered that there is no evidence that the removal of the condition will have an adverse economic impact that would justify refusing planning permission. There would be no loss of employment floorspace from the proposal. It is not considered that the proposal would have such an impact on the availability of small starter units that this would result in planning harm that would justify refusal.

12.10 Transport and Accessibility

- 12.11 District Plan Policy DP21 seeks to ensure that development is accompanied by the necessary infrastructure to support development. The District Plan aims to create sustainable communities, and this includes a sustainable local transport network and ease of access to local services and facilities.
- 12.12 Vehicular access to the units is via two secure gated access points and there is on site parking provision for users and visitors. This will all remain unchanged.
- 12.13 The site is located within the built up area boundary of Burgess Hill and as such is within a sustainable location for development. There is no evidence that the removal of the condition would have any adverse impacts in respect of highway safety or on

the capacity of the road network. The proposal accords with the aims of District Plan Policy DP21 and can be supported on transport and accessibility grounds.

12.14 Neighbour Amenity

12.15 The site is located at a distance from neighbouring residential properties, the nearest being located on Oakenfield, off Maple Drive, some 45m to the south of the closest Units at Nos 5 and 6. There is an area of intervening woodland and open space with a public path leading to a children's playground.

12.16 In respect of amenity Policy DP26 of the District Plan is relevant and states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*

12.17 The site is located at a distance from neighbouring residential properties, the nearest being located on Oakenfield, off Maple Drive, some 45m to the south of the closest Units at Nos 5 and 6. There is an area of intervening woodland and open space with a public path leading to a children's playground.

12.18 The permitted use of the Units at Ashwyn Business Centre is for Light Industrial Uses. The current users of the units fall within the permitted Light Industrial Use and it is considered appropriate that the new permission issued for the current application should be the subject of the same conditions in respect of the use, noise levels and hours of business restrictions that are currently applicable to the ten original units. The proposal is therefore considered to accord with Policy DP26 in regards to neighbouring amenity.

12.19 Character of the Area

12.20 The character of the industrial estate at Marchants Way is established. The removal of Condition 8 of BH/205/84 will not impact upon the neighbouring businesses in the vicinity of the Ashwyn Business Centre or negatively impact upon the character of the overall area. This application should be determined solely on its own merits. It is considered to accord with the aims of District Plan Policy DP26.

12.21 Other Matters

12.21 The retrospective nature of the application is noted and is not condoned. However, s.73a of the Town and Country Planning Act 1990 allows the determination of applications for development which has already taken place and therefore the retrospective nature of the application is not a consideration in the determination of the application. The application must be solely considered against the policies of the development plan.

12.22 Biodiversity Net Gain

12.23 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This planning permission

is being granted on an application made under Section 73 of the Town and Country Planning Act 1990 and the original planning permission to which the Section 73 planning permission relates was granted before 12th February 2024. This application is therefore exempt from the requirement to provide biodiversity net gain.

13.0 Planning Balance and Conclusion

- 13.1 The primary consideration is whether the starter units at Ashwyn Business Centre have served their purpose in allowing a local business to expand and whether, in light of other recent local unit developments, there is a need to limit the size of the internal space for each unit via Condition 8 of planning approval BH/205/84.
- 13.2 It is considered that the proposal accords with the aims of District Plan Policy DP1: Sustainable Economic Development, which seeks to support economic development within the District and encourages effective use of employment land and premises.
- 13.3 It is a material consideration that Burgess Hill and the surrounding areas are well served by existing and new business units for Light Industrial uses, including those recently permitted at Goddards Green, at Bolney Grange Industrial Estate and in the town at Victoria Industrial Estate.
- 13.4 The site is located within the built-up area boundary of Burgess Hill and as such is within a sustainable location for development. The proposal accords with the aims of District Plan Policy DP21 and can be supported on transport and accessibility grounds.
- 13.5 The position of the Ashwyn Business Centre relative to neighbouring residents and nature of the proposed Light Industrial use means that there will be no adverse effect upon neighbouring amenities as a result of the removal of Condition 8 of BH/205/84. Protection will be maintained over the permitted use, noise levels and hours of business as the recommended planning conditions that are currently applicable to the ten original units are repeated from the 1984 approval, minus the now irrelevant pre commencement conditions. The proposal is therefore considered to accord with District Plan Policy DP26 in regard to the protection of neighbouring amenities.
- 13.6 The character of the industrial estate at Marchants Way is established. The removal of Condition 8 of BH/205/84 will not impact upon the neighbouring businesses in the vicinity of the Ashwyn Business Centre or negatively impact upon the character of the overall area. The proposal is therefore considered to accord with District Plan Policy DP26.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

- 1. The parking spaces and turning facilities shown on the submitted plans shall be provided to the satisfaction of the Local Planning Authority before the buildings are

first occupied. The areas of land so provided shall not be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate and satisfactory Provision is made for the accommodation of vehicles clear of the highways and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

2. No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the buildings or storage areas at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

3. The burning of materials obtained by sight clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree all group of trees to be retained on the site or on land adjoining.

Reason: In the interest off the environment of the development and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

4. This permission relates to the amended plans submitted on the 29th November 1984 and not to the plans originally submitted.

Reason: For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

5. The screen fence is shown only approved drawings shall be erected before the building is first occupied and shall thereafter be maintained to the satisfaction of the local planning authority.

Reason: In the interests of amenity and to comply with policy DP26 of the Mid Sussex District Plan 2014-2031.

6. Noise from operations conducted on the premises shall not exceed 44 DBA CNL, as measured at the boundaries of the application site between the hours of 7:00 am and 7:00 pm on Mondays to Fridays and 8:30am and 7:00 pm on Saturdays and 40 DBA CNL at any other time.

Reason: In the interests of residential amenity and to comply with policy DP29 of the Mid Sussex District Plan 2014-2031.

7. The premises shall not be used other than for light industrial purposes falling within Class E (g) (iii) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Unless written consent is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard local amenities and to comply with policy DP29 of the Mid Sussex District Plan 2014-2031.

8. The premises shall not be occupied except between the hours of 7:00 am and 7:00 pm Mondays to Fridays and 8:30 am and 7:00 pm Saturdays and shall not be occupied on Sundays or public holidays.

Reason: In the interests of residential amenity and to comply with policy DP29 of the Mid Sussex District Plan 2014-2031.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Other			27.06.2025
Other			27.06.2025