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Appendices: Part 1

WSCD001 – WSCD004

Acting County Planning Manager, West Sussex County Council

Appeal by PJ Brown (Civil Engineering) Ltd.

**Land East of Dan Tree Farm, London Road,
Bolney, West Sussex, RH17 5QF**

PINS Ref:
APP/D3830/C/23/3319435
MSDC Ref: AP/23/0042

August 2024

WSCD001

WSCD001 - Land East of Dan Tree Farm - Chronology

| Date | Event, Evidence or Document | Relevant Document(s) |
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| 28/02/1998 | <p>Bolney Park Farm is acquired by Mr Dane Rawlins.</p> <p>The response states that the farm was in need of significant amounts of "repair and renovation".</p> | WSCD029 |
| 17/07/2001 | <p>Mid Sussex District Council approve Agricultural Prior Determination Ref. 01/01232/AGDET</p> <p>This is an Agricultural Prior Determination under the Town and Country Planning (General Permitted Development) Order 1995, Part 6, although the decision notice refers to the "Grant of Planning Permission". A copy of the decision notice and the red line boundary plan are included as Document Ref. WSCD004. The application was submitted in the name of Mr Dane Rawlins of Bolney Park Farm. The decision notice refers to "the infilling of the bomb crater, levelling and re-seeding of area, easing the slope of the field, and banking and planting of the lower slope at Bolney Park Farm". The bomb crater comprises only a very small part of the application site, identified on the red line boundary plan as Field No. 1457 whereas the size of the holding is stated as being 56.2ha and the area of the works 3.07ha and as including a 450m long, 4m wide access track (although it is not clear where this would be). The application does not include the Access Track that was subsequently constructed between the A23 and the Compound within the Appeal Site. The Council has measured the area over which the subsequent implementing works were undertaken from the Google Earth Historical Aerial Photographs as extending to approximately 15ha and over an area substantially larger than the bomb crater comprising Field No. 1457. The worked area included substantial parts of Field Numbers 6064, 1471, 1457 and 0038. Nevertheless, the entire area worked, falls within the red line boundary included with the application, except for the Access Track from the A23. It includes the Compound. The subsequent aerial photography shows the wheel wash that remains in situ today (although outside the Appeal Site) as having been installed as part of the works.</p> <p>The approved works (other than the access track) are first visible on the Google Earth Historical Photograph (WSCD010). This Agricultural Prior Determination is of particular significance because it included the area of the Compound within the Appeal Site shows that works undertaken within the Appeal Site (but not the Access Track), from at least 2005 onwards formed part of the permitted works arising from the implementation of this Agricultural Prior Determination. The Google Earth Historical Photographs (see below) clearly show how it</p> | WSCD004 and WSCD005 |

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| | <p>was developed in conjunction with the undertaking of the approved works over an extended period right through to at least the 6th June 2013 (WSCD 019) and that they may not have been completed until shortly 12th April 2015 (WSCD021). Insofar as the works undertaken within the Compound on the Appeal Site relate to the implementation of the Agricultural Prior Determination, they were authorised and there was no breach of planning control.</p> | |
| 11/09/2001 | <p>Mid Sussex District Council approve Agricultural Prior Determination Ref. 01/01613/AGDET</p> <p>This relates to the construction of an access track on the land to south east of the Appeal Site. The application makes clear that it is an agricultural track "to improve access to the farms fields" to be constructed using "hardcore" to formalise the existing "grass track". These works do not fall within the Appeal Site, but are relevant insofar as they are first visible on the Google Earth Historical Photograph (WSCD010) of the 31st December 2005 which indicates that the works visible on that photograph formed part of the works undertaken arising from the implementation of this Agricultural Prior Determination together with Agricultural Prior Determination Ref. 01/01232/AGDET.</p> | WSCD006 and WSCD007 |
| 2001 | <p>Licence for Tipping at Bolney Park Farm (Source Appellant's Statement of Case, Appendix 12).</p> <p>The Licence, which is dated 2001 but unsigned is stated as being between Dane Rawlins as the Licensor and Peter John Brown, trading as PJ Brow Civil Engineering and Haulage Contractors as the Licensee and allows the Licensee "to deposit Soil at the Site". "The Site" is defined as "Bolney Park Farm" although a blank space is left after this for the insertion of additional details, so that although it is unclear as to where exactly soil was to be deposited under the License, the blank space suggests that the intention was that this was to more specifically defined.</p> <p>Paragraph 5.2.1 of the License refers to the Licensee agreeing to perform the "Push over and spread of Soil deposited by South East Tipping" which suggests that the soil to be brought into the site was to comprise that brought only by South East Tipping.</p> <p>There is no additional evidence presented by the Appellant to indicate that the License was ever signed, but as the date of the License coincides with the approval of Agricultural Prior Determination Refs. 01/01232/AGDET and 01/01613/AGDET, it appears the License was intended to enable the import of soils for the purposes of their implantation, or at least for the purposes of implementing Agricultural Prior Determination Ref. 01/01232/AGDET.</p> | WSDC007A |

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| 01/01/2001 | <p>Google Earth Historical Aerial Photograph</p> <p>This shows the Appeal Site and the surrounding area including the fields to the north, east and south east and also to the south and south west before any of the subsequent activities on these areas started. There is no disturbance to, or works on, the Appeal Site which forms part of a larger field to the east of the Appeal Site. Neither the Access Track nor the Compound exist. The bomb crater is visible in the green rectangular area towards the eastern end of the field to the east of the Appeal Site. This is good baseline photograph from 2001 before any works for any purpose were commenced.</p> <p>The Aerial Photograph is the same aerial photograph that the Appellant has included in the Appendix 10 of their Statement of Case. The exact date of the image we suspect is not correct, as the trees are in leaf and it appears that the fields have recently been harvested, which suggests the image was taken in August or September, rather than January. Google Earth also on this aerial photograph shows it on its timeline dated 12/2001, which suggest the image was late 2001.</p> | WSCD008 |
| 09/02/2004 and 20/02/2004 | <p>Date of the Daily Service Reports and Field Service Basic Risk Assessment Reports by Finning (UK) Ltd. (Source Certificate of Lawfulness application submitted to WSCC by the agent for PJ Brown (Construction) Ltd on 30th September 2019, ref WSCC/070/19).</p> <p>These appear to be service/repair logs and a risk assessment by Finning (UK) Ltd relating to repairs for the Appellant undertaken on the date of the documents. They indicate that there was plant located at Bolney on the dates they are dated for, i.e. 9th and 20th February 2004. They do not prove that the plant was located on the Appeal Site, that it was being used on the Appeal Site or the adjacent land and they do not provide any evidence of the deposit or treatment of waste on the Appeal Site. Given the works to implement Agricultural Prior Determination Refs. 01/01232/AGDET and 01/01613/AGDET for the infilling of the bomb crater and the land improvement works were likely to have commenced by this date and there is no evidence of any activities on or in the immediate vicinity of the Appeal Site at this time, it is most likely on the balance of probability that the plant was being used in conjunction with the works on the adjoining land to the east. It should be noted that the Covering Letter from WS Planning and Architecture submitted with the later Certificate of Lawfulness application (WSCD035) states that "The applicants have had an interest in the land since 2006 taking over from South East tipping. Prior to 2006 from at least 2004 they operated from the site".</p> | WSCD009 and WSCD035 |
| 01/01/2005 | Google Earth Historical Aerial Photograph | WSCD010 |

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| | <p>This shows the Appeal Site and the surrounding area including the fields to the east and south east of the Appeal Site following the commencement of works to implement Agricultural Prior Determination Refs. 01/01232/AGDET and 01/01613/AGDET for the infilling of the bomb crater and the land improvement works. The photograph indicates that the Access Track within the Appeal Site has been constructed at this stage to service the works being undertaken to fill the bomb crater and the land improvement works, and that part of the area of the Compound to the immediate east of the Access Track within the Appeal Site has been disturbed and started to be used in conjunction with those works. There appears to be some disturbed ground and vehicles, plant or similar mobile buildings or containers within the Appeal Site. In all probability these activities within the Appeal Site were linked to the works to implement Agricultural Prior Determination Refs. 01/01232/AGDET and 01/01613/AGDET. There is no obvious evidence to the contrary or that any separate waste related activities were being undertaken on the Appeal Site at this time.</p> <p>The Aerial Photograph is the same aerial photograph that the Appellant has included in the Appendix 10 of their Statement of Case. Google Earth also on this aerial photograph shows it on its timeline dated 12/2005, i.e. December rather than January 2005.</p> | |
| 30/04/2007 | <p>Aerial Photograph (Source Certificate of Lawfulness application submitted to WSCC by the agent for PJ Brown (Construction) Ltd on 30th September 2019)</p> <p>Taken at the time that the works to implement Agricultural Prior Determination Refs. 01/01232/AGDET and 01/01613/AGDET were being undertaken. It shows part of the Compound within the Appeal Site to the east of the Access Track has begun to be disturbed and is being used to store material and containers. The photograph does not show the works being undertaken over the field to the east of the Appeal Site. These are visible on the earlier Google Earth Historical Aerial Photograph of 31st December 2005 (Document Ref. WSCD010) and the later Google Earth Historical Aerial Photograph of 28th March 2012 (WSCD013) from which it appears that the activities on this part of the Appeal Site, were part of the activities linked with those works. Whilst the photograph shows activities on part of the Appeal Site there is no obvious evidence on the photograph that any waste was being or had been deposited on the site or that there were any waste treatment activities being undertaken on the Appeal Site on the date of the photograph.</p> | WSCD011 and WSCD035 |
| 02/05/2007 | <p>Invoice from Bolney Park Farm (Source Certificate of Lawfulness application submitted to WSCC by the agent</p> | WSCD012 and WSCD035 |

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| | <p>for PJ Brown (Construction) Ltd on 30th September 2019)</p> <p>This is an invoice from Bolney Park Farm to PJ Brown (Construction) Ltd. The invoice states that it is for "Storage Advance Payment" and then refers to "Planings, Aggregate and Machinery".</p> <p>It does not provide any evidence of the deposit of waste or the treatment of waste on the Appeal Site. There is nothing in the invoice to expressly link it to Appeal Site (as opposed to any other part of Bolney Park Farm), but even if it does refer to the use of the Appeal Site is refers to "Storage" which suggests that it relates neither to the deposit of waste or to the treatment of waste on the Appeal Site. There is therefore nothing in the invoice that can be taken as evidence of the deposit or treatment of waste on the Appeal Site and on the contrary it appears to be evidence of a storage use on the date of the invoice.</p> | |
| 28/03/2012 | <p>Google Earth Historical Aerial Photograph</p> <p>This shows the Appeal Site and the surrounding area including the fields to the east, and south east of the Appeal Site following the commencement of works to implement Agricultural Prior Determination Refs. 01/01232/AGDET and 01/01613/AGDET. The photograph shows that the focus of works have moved from the area to the south east of the Appeal Site in the southern half of the field to an the area to the east of the Appeal Site and the northern half of the field, compared with the previous Google Earth Historical Aerial Photograph of the 31 December 2005 (WSCD010). As such the focus of the works to implement Agricultural Prior Determination Refs. 01/01232/AGDET and 01/01613/AGDET has moved to the area immediately to the east of Appeal Site and includes the adjoining land on the east side of the Appeal Site. The photograph shows that there are, as yet, no activities on the land to the south and west of Appeal Site or adjacent to the A23 relating to the implementation of the West Sussex County Council Planning Permission Ref. WSCC/077/11/BK (See below, WSCD014) that was approved in June 2012. It shows the Access Track being used as the access to the on-going works in the field to the east and that the Compound within the Appeal Site is being used for the storage of containers. There is no evidence of any plant or machinery or any stockpiles of waste or any waste treatment of processing activities on the Appeal Site. There is therefore no evidence in this photograph of the unauthorised activities to which the Enforcement Notice relates and there is therefore no obvious evidence that any separate waste related activities were being undertaken on the Appeal Site at this time.</p> | WSCD013 |

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| | <p>The Aerial Photograph is the same aerial photograph that the Appellant has included in the Appendix 10 of their Statement of Case.</p> | |
| 11/06/2012 | <p>West Sussex County Council approved Planning Permission Ref. WSCC/077/11/BK</p> <p>The permission relates to land to the south and west of the Appeal Site, adjacent to the A23. The permission was for "Development of equine rehabilitation and physiology centre comprising treatment block, horse walker, sand school, car park, grass paddocks, exercise track and engineering operation to form a bund adjacent to the A23".</p> <p>The application was determined as a County Matter rather than a District Matter, because the proposal included the construction of what was described in the application as an acoustic bund, 500m in length (north to south), between 36m - 55m in width (west to east) and between 1.5m - 9m in height, formed from 76,500 cubic metres (51,000 tonnes) of inert waste to be imported into the site. The application was a resubmission application following the refusal of two earlier applications. Details by way of background for the Inspectors Information are set out in the Delegated Officer Report on the application (WSCD 015). The red line boundary for the application shows the application as including the land to west of the land included in Agricultural Prior Determination Ref. 01/01232/AGDET approved by MSDC on 17th July 2001 although it also includes the access track from the A23 around north east sides of Field Nos 7355 and 7438. The Applicant is stated as being a Ms S Wright and Mr Dane Rawlins of Bolney Park Farm (listed as Park Farm), is also identified as a landowner on Certificate B of the application, although it is not clear what area of land his interest relates to.</p> | WSCD014, WSCD015 and WSCD016 |
| 13/09/2012 | <p>Aerial Photograph (Source Certificate of Lawfulness application submitted to WSCC by the agent for PJ Brown (Construction) Ltd on 30th September 2019).</p> <p>This is a further photograph taken at the time that the works to implement Agricultural Prior Determination Refs. 01/01232/AGDET and 01/01613/AGDET were being undertaken. It again shows the area of the Compound within the Appeal Site has been established. It is not possible to tell from the aerial image whether any waste material has been permanently deposited on the site, although it is clear that the ground has been disturbed and flattened out to create a flat storage area, with the photograph showing the area substantially full of containers of various types and sizes. There does not appear to be any evidence of either plant, machinery or stockpiles of waste within the Appeal Site, although it does appear that there is machinery and clearly visible piles of the material in the field to the east of the Appeal</p> | WSCD017 |

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| | <p>Site. The photograph does not show the works being undertaken over the field to the east of the Appeal Site. These are visible on the earlier Google Earth Historical Aerial Photograph of 28th March 2012 (WSCD013) (six months earlier) so it would appear reasonable to assume on the balance of probability that the machinery and piles of materials were being used part of the works in the field to the east.</p> <p>Again, whilst the photograph shows activities within the compound on the Appeal Site there is no obvious evidence on the photograph that any waste was being or had been deposited on the site or that there were any waste treatment activities being undertaken on the Appeal Site on the date of the photograph.</p> <p>The Aerial Photograph is the same aerial photograph dated 31/08/2012, that the Appellant has included in the Appendix 10 of their Statement of Case.</p> | |
| 31/08/2012 | <p>Google Earth Historical Aerial Photograph</p> <p>This is the same photograph as that submitted by the Appellant of the same date (Document Ref. WSCD017) but also shows the surrounding area including the fields to the east, south east, west and south west of the Appeal Site. It shows what appears to be the final deposit of top soils on the area to the immediate east of the Appeal Site, but not yet any works on the land to the south and west of Appeal Site or adjacent to the A23 relating to the implementation of the West Sussex County Council Planning Permission Ref. WSCC/077/11/BK (WSCD014) that was approved in June 2012. The fields on this area of land appear to have only just been cropped. Activities on the Appeal Site are as set out above in relation to Document Ref. WSCD017.</p> <p>Whilst the photograph shows activities within the Compound on the Appeal Site there is no obvious evidence on the photograph that any waste was being or had been deposited on the site or that there were any waste treatment activities being undertaken on the Appeal Site on the date of the photograph, with the site substantially covered in containers.</p> <p>As there is still no evidence of the waste activities stated in the Enforcement Notice by this date, then it is clear that it cannot be the case that a period of ten years has elapsed since breach of planning of planning control claimed by the Appellant.</p> <p>The Aerial Photograph is the same aerial photograph that the Appellant has included in the Appendix 10 of their Statement of Case. Google Earth also on this aerial photograph shows it on its timeline dated 9/2012.</p> | WSCD018 |

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| 2012-2013 | <p>Invoices from Carillion Civil Engineering dated July 2012 to March 2013 (Source Appellant's Statement of Case, Appendix 14).</p> <p>Appellant's Statement of Case that Appellant refers to these as evidence of the use of the Appeal Site for the storage and crushing of road planings, and storage of equipment involved in those works.</p> <p>The invoices however do not corroborate the claims the Appellant. The Appellant's Statement of Case, on pages 26 and 28 identifies the use of the Appeal Site for the storage and crushing of road planings, and storage of equipment as having taken place in 2013 and 2014. The invoices predate this period and are dated July 2012 to March 2013, and refer to delivery on the A23 Handcross to Warninglid, which as a 1.3km to 5.1km north of the Appeal Site, so that there is nothing to link the invoices to the site.</p> | WSCD018A |
| 06/06/2013 | <p>Google Earth Historical Aerial Photograph</p> <p>This photograph shows the works in the field to the east of the Appeal Site, to be almost complete, with what appears to be to be only the placement of top soils over the eastern end of the access track to be completed.</p> <p>It is also clear that the works on the land to the south and west of Appeal Site or adjacent to the A23 relating to the implementation of the West Sussex County Council Planning Permission Ref. WSCC/077/11/BK (See below, WSCD014) have commenced, with an access track created from just to south of Appeal Site back towards the A23 and works to create the bund adjacent to the A23 clearly in progress, involving the deposit of material on the application site. Mounds of materials and plant are visible at the southern end of the area being worked and vehicles and plant also visible towards the northern end. This photograph, in conjunction with the previous aerial photographs confirms that as the works in the field to the east of the Appeal Site came to an end in 2013, the works to south and west of the Appeal Site were commenced.</p> <p>The main area of the Appeal Site itself, still appears to substantially full of containers. The containers appear to be more concentrated on the east side of the Appeal Site, although it appears that access for the final tipping of soils on to the land to the east of the Appeal site was being taken through the Compound, with freshly tipped material evident on the land to the east of the Appeal Site. There is no activity on the Appeal Site at this stage that visibly indicates and deposit or treatment of waste going on. As such whilst the photograph shows activities on the substantive part of the Appeal Site there is no obvious evidence on the photograph that any waste was being or had been deposited on the site or that there</p> | WSCD019 |

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| | <p>were any waste treatment activities being undertaken on the Appeal Site on the date of the photograph.</p> <p>The Aerial Photograph is the same aerial photograph that the Appellant has included in the Appendix 10 of their Statement of Case.</p> | |
| 18/02/2014 | <p>A site visit was undertaken by Richard Agnew and Kirstie May (WSCC), Stephen Kinchington (Environment Agency), with Nick Page of PJ Brown (Construction) Ltd in attendance. The site visit is recorded in a Site Inspection Report (WSCD040).</p> <p>The Appeal Site was visited by WSCC officers on 18 February 2014 (WSCD0003) as part of periodic monitoring undertaken of the adjacent site to the south west (i.e. the site of the work approved under Planning Permission Ref. WSCC/077/11/BK). These works were observed to be being undertaken by PJ Brown (Construction) Ltd, i.e. the Appellant.</p> <p>The visit to the Appeal Site was a joint authority meeting, led by Richard Agnew (for WSCC) and attended by Stephen Kinchington for the Environment Agency, and Nick Page for PJ Brown (Construction) Ltd with Kirstie May for WSCC also in attendance.</p> <p>The Council's Site Inspection Report (WSCD040) which refers to the Appeal Site as the "hardcore area" records that there were considerable amounts of plant and equipment (including empty skips and containers, and mobile office facilities), and that there was a stockpile of construction and demolition waste which appeared to be part bladed into the ground in an effort to increase the size of the compound. It is recorded that Mr Page stated that this material was be temporarily stored pending its use as part of the works to be undertaken in the area permitted on the adjacent site (the area of the works approved under Planning Permission Ref. WSCC/077/11/BK). There is no record of any evidence of the processing of waste being undertaken in the Compound. The accompanying photographs taken during the visit show a considerable amount of plant and equipment (Heras fencing panels, empty skips, modular site office cabins etc.) as having been placed in the Compound and that the surface comprised compacted road planings.</p> <p>The evidence from this site visit and the meeting with Mr Page indicates that he confirmed that on the 18th February 2014 that there was no permanent import and deposit of waste and there was no evidence of any waste processing or treatment activities being undertaken. The temporary storage of waste for use in the works on the land to the south and west of the Appeal Site cannot be considered to part of the works to implement the Agricultural Prior Determination Refs. 01/01232/AGDET and 01/01613/AGDET, which may still have been on-going or not competed, and it does</p> | <p>WSCD040</p> <p>Also see WSCD003</p> |

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| | <p>not appear that the temporary storage of the material was anything other than ancillary at this stage. Even if considered not to be ancillary but a separate B8 storage use, this would be a different use from that stated in the Enforcement Notice. Mr Page was advised that the site not benefit from planning permission for such a use.</p> <p>The evidence from the site visits confirms that there was no evidence on the date of the site visit of any waste being or having been permanently deposited on the site or that there were any waste treatment activities being undertaken on the Appeal Site on the date of the photograph and Mr Page on behalf the Appellant confirmed that the material on the site was only being temporarily stored, pending use on the adjacent land lined to the works to implement Planning Permission Ref. WSCC/077/11/BK.</p> | |
| 04/03/2014 | <p>A further site inspection undertaken on 4th March 2014 by Richard Agnew on behalf of WSCC.</p> <p>Photographs (WSCD041) were taken which show the Compound being used for the storage of paraphernalia associated with mobile plant works such as mobile offices, road warning signage, mobile wheel cleaners and empty skips, (some of which were being used to support the development on the adjacent site). Following the site visit the case was referred to Mid Sussex District Council, advising them of them of the apparent change of use of the land to a storage depot. The report (WSCD003) states that it was understood that no further action was taken by MSDC but that the status of the land was not formalised, through the submission and grant of planning permission or Certificate of Lawfulness issued by MSDC (WSCD004).</p> | <p>WSCD041</p> <p>Also see WSCD003</p> |
| 28/05/2014-27/03/2017 | <p>Work Orders from Pirtek Crawley (Source Certificate of Lawfulness application submitted to WSCC by the agent for PJ Brown (Construction) Ltd on 30th September 2019).</p> <p>The work orders extend over a period of two years and ten months, although there is a covering statement which refers to "on-site repairs for plant and auxiliary equipment" over a period of ten years.</p> <p>These are similar to the Daily Service Reports and Field Service Basic Risk Assessment Reports by Finning (UK) Ltd. Listed above (WSCD009). They again indicate that there was or may have been plant on or in the vicinity of the Appeal Site on the date they were dated for, but they do not provide any evidence of the deposit or treatment of waste on the Appeal Site. The works to implement Agricultural Prior Determination Refs. 01/01232/AGDET and 01/01613/AGDET in the field to the east of the appeal site appear (from the Google Earth Historical Aerial Photographs) to have been completed by approximately the end of 2014, but the works in the field to the south and west of the Appeal</p> | <p>WSCD020 and WSCD035</p> |

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| | <p>Site to implement the West Sussex County Council Planning Permission Ref. WSCC/077/11/BK had also commenced by early 2013. As the work orders date back to the 28th May 2014 they also do not extend back far enough to demonstrate a breach of planning control for a ten years.</p> | |
| 22/01/2015 | <p>A further site inspection was undertaken on 22nd January 2015 attended by Kirstie May on behalf of WSCC and Nick Page and Bob Penticost on behalf of PJ Brown (Construction) Ltd.</p> <p>The Site Inspection Report (WSCD042) records that the area of Compound appeared to have been reduced, but that there were stockpiles of road planings and broken bricks on the site which it is recorded were to be used for the creation of tracks (in association with the works being undertaken to implement Planning Permission Ref. WSCC/077/11/BK, as was found to be the case at the meeting on 18th February 2014 (WSCD040). The Inspection Report notes the use of the site for storage as a District Matter and therefore not a matter for the County Council.</p> | <p>WSCD042 Also see WSCD003</p> |
| 12/04/2015 | <p>Google Earth Historical Aerial Photograph</p> <p>This photograph shows the works in the field to the east of the Appeal Site, have been completed, and although patchy in appearance confirms that this area had been reseeded by this stage and had substantially reverted to what appears to be grassland.</p> <p>By contrast the works on the land to the south and west of the Appeal site appear to have substantially expanded, with the disturbed ground evident over much the field to the west of the Appeal Site and more generally to the west of the access track running south from the Appeal Site. It appears that some of the land toward the southern end of the area being worked on in the previous Google Earth Historical Aerial Photograph of 6th June 2013 adjacent to the A23, has begun to "greened up" again indicating that the works on this part of the application site had been completed. This suggests that the focus of tipping activities by this time had shifted to the north and into the field to the immediate west and south of the Appeal Site. There are substantial stockpiles of material and plant visible in this area, which is part of the consented area of West Sussex County Council Planning Permission Ref. WSCC/077/11/BK (WSCD014) and not part of the Appeal Site. It is clear from this that plant was operational on the area of the planning permission.</p> <p>In relation to the Appeal Site, the image is not of particularly high resolution, but it does appear that there are stockpiles of material deposited in the site for the first time, on the west side of the yard. These appear to be dark grey in colour, suggesting they could be either aggregate or road planings. There is no plant</p> | <p>WSCD021</p> |

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| | <p>or machinery obviously visible or evidence of any treatment activities being undertaken.</p> <p>This is the first aerial photograph indicating that what could waste materials have been stockpiled on the site, which suggest temporary storage, but does not provide any evidence of the permanent deposit or treatment of waste materials.</p> <p>The Aerial Photograph is the same aerial photograph that the Appellant has included in the Appendix 10 of their Statement of Case.</p> | |
| 17/07/2015 | <p>A further site inspection was undertaken on 17th July 2015 attended by Kirstie May on behalf of WSCC and Nick Page and Bob Penticost on behalf of PJ Brown (Construction) Ltd and officers of the Environment Agency and Mid Sussex District Council. There is record of the inspection in a Site Inspection Report (DTF043).</p> <p>The Site Inspection Report records that there were a number of full skips, and stockpiles of inert materials within the Compound.</p> <p>The position then in July 2015 was that there was no evidence any waste being processed on the site. Again, as result at this time the County Council's view was that there had been no breach of planning control that was a County Matter.</p> | <p>WSCD043</p> <p>Also see WSCD003</p> |
| 10/09/2015 | <p>Google Earth Historical Aerial Photograph</p> <p>This photograph shows the works in the field to the east of the Appeal Site, have been completed, and fully reverted to what appears to be grassland.</p> <p>The works on the land to the south and west of the Appeal site appear to be on-going compared with the previous Google Earth Historical Aerial Photograph of the 12th April 2015 (WSCD021). The land on the western side of the site adjacent to the A23 has substantially "greened up" along its entire length again indicating that that the works on this part of the application site had been completed, and the areas that appear to be being worked have become more confined to the fields the immediate west and south of the Appeal Site. These extend over two fields with a boundary hedge between them running east west across the worked area. There are large stockpiles of material and plant clearly visible, including what appears to be a mobile screen on the area to south of the hedge.</p> <p>The Appeal Site appears much as it was in the previous Google Earth Historical Aerial Photograph of 12th April 2015 (WSCD021), with containers largely filling the eastern side of the yard stockpiles of material on the west side. The area covered by stockpiles appears to have increased and there appears to be plant on the site working with the stockpiles although this does not</p> | <p>WSCD022</p> |

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| | <p>appear to be large enough to be a screen, so is more likely to be being used to move material around.</p> <p>The photograph does clearly confirm that there were stockpiles of material on the site on the date of the photograph and it appears to show that the amount on the Appeal Site has increased since the date of the previous Google Earth Historical Aerial Photograph of 12th April 2015 (WSCD022), but there is nothing in the photograph to indicate that waste was being deposited or treated.</p> <p>This is the second aerial photograph indicating that what could waste materials have been stockpiled on the Appeal Site, which suggests temporary storage, but does not provide any evidence of the permanent deposit or treatment of waste materials.</p> <p>The Aerial Photograph is the same aerial photograph that the Appellant has included in the Appendix 10 of their Statement of Case.</p> | |
| 14/05/2018 | <p>Aerial Photograph (Source Certificate of Lawfulness application submitted to WSCC by the agent for PJ Brown (Construction) Ltd on 30th September 2019).</p> <p>A further and more recent photograph which appears to have been taken after the works to implement Agricultural Prior Determination Refs. 01/01232/AGDET and 01/01613/AGDET in the field to the east of the Appeal Site had been completed. The field is now green and there is no sign that works in the field are still being undertaken. The Appeal Site however now shows clearly visible evidence of stockpiles of materials and plant and machinery on the site. It is not clear what the plant and machinery is, from the aerial image but the size and shape is consistent with a crushing/screening plant. At least one front loading shovel/digger is visible on the image, also suggesting that material was being loaded in vehicles or plant on the site.</p> <p>This photograph therefore does for the first time appear to show activities within the Compound on the Appeal Site that are or may be evidence waste materials being deposited on the site and/or waste treatment activities being undertaken on the Appeal Site on the date of the photograph.</p> | WSCD023 |
| 06/08/2018 | <p>Google Earth Historical Aerial Photograph</p> <p>This photograph shows the works in the fields to the south and west of the Appeal Site have been completed and that the fields appear to be fully back in agricultural use. This is the first photograph that shows no substantial earthworks, tipping or restoration works being undertaken on any of the land to the east, south or west of the Appeal Site, although there is a small area to south of the Appeal Site on the east side of the access track that appears to have been disturbed or had material deposited on it which has not been restored</p> | WSCD024 |

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| | <p>with the rest of the field. This however does not form part of the Appeal Site and does not appear to be being actively worked, so is most likely a residual area of disturbed ground. There is also what appears to be a hardcored storage area retained to the south west of the Appeal Site that has not been reinstated, but also does not form part of the Appeal Site, that has a small number of containers on it.</p> <p>The Compound now appears to be being used for stockpiled material and there is plant on the area including what appears to be a screen. This suggests that the yard is being used for imported material and the material is being processed or treated. This is the first aerial photograph where there are no works being undertaken on the land to the east, south and west of the appeal site and it does appear that imported material unrelated to any such work is being imported and processed or treated on the Appeal Site.</p> <p>This is the first date on which it therefore appears that the Appeal Site may be being used in its own right for the import, storage and treatment of waste materials unrelated to any activities on the adjacent land at Bolney Park Farm or Park Farm. This on the balance of probability indicates confirmation of the breach of planning control claimed by the Appellant.</p> <p>The Aerial Photograph is the same aerial photograph that the Appellant has included in the Appendix 10 of their Statement of Case.</p> | |
| 10/10/2018 | <p>Google Earth Aerial Photograph</p> <p>This is the final and most up to date Google Earth Aerial Photograph. This clearly shows the works in the fields to the south and west of the Appeal Site have been completed and that the fields appear to be fully back in an agricultural use, other than the small area to the immediate south of the Appeal Site and the nearby storage area slightly further to the south on the west side of the access track.</p> <p>There appear to be some containers on the Appeal Site, but most of the Compound is now visibly being used for the storage of stockpiled material and there appear to be large items of plant on the site including what appear to be two screens. This again indicates that on the date of the photograph that the Appeal Site was being used for the import, storage and treatment of waste materials. Again, this therefore does on the balance of probability indicate confirmation of the breach of planning control claimed by the Appellant.</p> <p>The Aerial Photograph is the same aerial photograph that the Appellant has included in the Appendix 10 of their Statement of Case.</p> | WSCD025 |
| 08/10/2018 | <p>A further site inspection was undertaken on 8th October 2018 attended by Kirstie May on behalf of WSCC and</p> | WSCD044 |

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| | <p>Phil Rowe, Agent for PJ Brown (Construction) Ltd, Dane Ralwlins (the landowner) and officers of the Environment Agency and Mid Sussex District Council. There is record of the inspection in a Site Inspection Report (WSCD044).</p> <p>The Site Inspection Report records that there had been considerable change in the intervening period since the previous site visit, with very little storage of equipment and plant in evidence, but still some stockpiles of waste material. It is also recorded that two bunds had been created by PJ Brown (Construction) Ltd, which was confirmed by Mr Rowe. It is recorded that he stated that one was to contain the site to the north, and another further to the north had been constructed at the request of the landowner for the 'tidying' of the land following its use as a temporary motocross track by the landowner's son. It is also recorded that Mr Rowe stated that it was the intention of PJ Brown (Construction) Ltd to apply for a Certificate of Lawfulness in relation to the activities on the Appeal Site.</p> | |
| 21/11/2018 | <p>Planning Contravention Notice (PCN) served on PJ Brown (Construction) Ltd by WSCC.</p> <p>The Plan attached to the PCN identifies it as relating to the Compound but not to the Access Track from the A23, but also including the perimeter access track around part of the adjacent field to the east of the Appeal Site.</p> | WSCD026 |
| 21/11/2018 | <p>Planning Contravention Notice (PCN) served on Mr Dane Rawlins by WSCC.</p> <p>Includes the same questions and plan attached to the PCN served on PJ Brown (Construction) Ltd on the same day. i.e. the same PCN was served on Mr Rawlins.</p> | WSCD027 |
| 21/11/2018 | <p>Planning Contravention Notice (PCN) served on KDS Environmental Services Ltd by WSCC.</p> <p>This is included for the Inspector's Information only, because it is the same notice as served PJ Brown (Construction) Ltd and Mr Dane Rawlins on 21st November 2018. KDS Environmental Services Ltd are now understood not to have had any interest in the Appeal Site.</p> | WSCD028 |
| 05/12/2018 | <p>Response by Dane Rawlins to the Planning Contravention Notice served by WSCC on 21st November 2018.</p> <p>This includes a covering letter and the completed and returned PCN issued on Mr Rawlins by WSCC on 21st November 2018.</p> <p>The responses to the questions on the PCN confirm that Mr Rawlins is the owner of the land identified on the plan included in the PCN (although does not include the Access Track from the A23 to the Compound). Most of</p> | WSCD029 |

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| | <p>the responses given relate to materials deposited on the perimeter access track around part of the adjacent field to the east of the Appeal Site, which is not relevant to this appeal.</p> <p>The covering letter confirms that Mr Rawlins acquired Bolney Park Farm on 28th February 1998 and that the farm was in need of significant amounts of "repair and renovation". It states that "PJ Brown have used the yard at the top of the farm since 2004" and that "they took over the land renovation from South East Tipping when they went into receivership".</p> | |
| 11/12/2018 | <p>Email from Fining UK & Ireland Ltd (Source Certificate of Lawfulness application submitted to WSCC by the agent for PJ Brown (Construction) Ltd on 30th September 2019).</p> <p>The email is similar to the Work Orders from Pirtek Crawley (WSCD020) and the Daily Service Reports and Field Service Basic Risk Assessment Reports by Finning (UK) Ltd (WSCD009), in demonstrating the presence of plant and machinery on or in the vicinity of the Appeal Site. It refers to "warranty and general repairs to...concrete crushing (power plants) and screening (power plants) equipment and repairs to...excavators, loading shovels and dozers", but it does not provide any evidence of the deposit or treatment of waste on the Appeal Site.</p> | WSCD030 |
| 13/12/2018 | <p>Response by PJ Brown (Construction) Ltd to the Planning Contravention Notice served by WSCC on 21st November 2018.</p> <p>In their response to the PCN, PJ Brown (Construction) Ltd confirm that they have interest in the Compound on the Appeal Site identified on the Plan attached to the PCN but not the access track that extends part way round the perimeter of the field to the east of the Appeal Site (Response to Question 2). They confirm that they have had an interest in this area of land (i.e. the area of land within the Appeal Site since 2006-2007 but do not state what that interest is (Response to Question 5). They confirm (in the Response to Question 6). that "Construction Waste is, and continues to be imported, deposited, re-used and recycled as a product prior to exportation from the land hatched red on the attached drawing only". They also confirm in their response to Question 10 that "...material [has been] deposited...on the land diagonally hatched red on the attached drawing as part of a re-use and recycling operation prior to the resultant product being exported from the same land". They also confirm that planning permission has not been applied for or granted for the use of the land, in their response to Question 16. By these two statements they confirm that the use of the land has changed (on the date of their response to the PCN, as alleged in the Enforcement Notice that is the subject of this Appeal.</p> | WSCD031 |

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| | There is therefore no dispute that the alleged change of use has occurred and they do not dispute this in the appeal. | |
| 03/01/2019 | <p>A further site inspection was undertaken on 3rd January 2019 attended by James Neave on behalf of WSCC. There is record of the inspection in a Site Inspection Report (WSCD045).</p> <p>The Site Inspection Report records that the Compound was being used entirely for waste purposes, stockpiles of waste bricks and construction and demolition waste, containers of metal waste and wood waste, and a container that appeared to be smouldering from a recent fire. Additionally, there were mounds or bunds of screened materials, screening plant, containers, one seemingly being used as an office and stockpiles and screened and possibly crushed materials. There was also a quantity of building materials. The photographs also show a front-loading shovel and a number of large concrete drainage pipe</p> | <p>WSCD045</p> <p>Also see WSCD003</p> |
| 18/02/2019 | <p>Planning Contravention Notice (PCN) served on PJ Brown (Construction) Ltd by WSCC.</p> <p>The Plan attached to the PCN identifies it as relating to the Compound within the Appeal Site but not the Access Track from the A23 and does not include the perimeter access track around part of the adjacent field to the east of the Appeal Site, included in the land referred to in the PCN served on 21st November 2018 (WSCD026).</p> | WSCD032 |
| 18/02/2019 | <p>Planning Contravention Notice (PCN) served on Dane Rawlins by WSCC.</p> <p>Includes the same questions and plan attached to the PCN served on PJ Brown (Construction) Ltd on the same day. i.e. the same PCN was served on both parties.</p> | WSCD033 |
| 25/03/2019 | <p>Response by PJ Brown (Construction) Ltd to the Planning Contravention Notice served by WSCC on 18th February 2019.</p> <p>In their answer to Question No. 8 the Appellant states that the first hardstanding was established in approximately 2002 and then that this was "enlarged for crushing and storage in 2008". This response is inconsistent with the response to the first PCN (WSCD031) in which the Appellant stated that their interest in the land commenced in 2006-07 and the response given by the landowner, Dane Rawlins in his response to the First PCN which states that "PJ Brown have used the yard at the top of the farm since 2004".</p> <p>The answer to Question No. 7 states that there has not been any deposit of waste on the site, "save for the answers to 5/6".</p> | WSCD034 |

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| 07/10/2019 | CLU Application (Ref. WSCC/070/19) submitted to West Sussex County Council by the PJ Brown (Construction) Ltd /Validated. | WSCD035, WSCD036 and WSCD037 |
| 07/01/2020 | CLU Application (Ref. WSCC/070/19) Determined – Decision Notice issued. | WSCD035, WSCD036 and WSCD037 |
| 27/01/2020 | Enforcement Notice served on PJ Brown (Construction) Ltd and Mr Dane Rawlins by West Sussex County Council. | WSCD002 |

WSCD001A

Contact: Paula Slinn Solicitor 01444 477186
paula.slinn@midsussex.gov.uk

Your Ref:

Date: 28th February
2023

Our Ref: PS/004407

[REDACTED]
Burlands
Charlwood Road
Ifield
Crawley
West Sussex
RH11 0JZ

BY FIRST CLASS RECORDED DELIVERY

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir,

**Enforcement Notice - Land east of Dan Tree Farm, London Road, Bolney, West Sussex
RH17 5QF ("the Land")
Town and Country Planning Act 1990 (as amended) – Section 171A
Notice Ref: EF/18/0446**

The District Council, as the relevant Planning Authority, have authorised enforcement action in respect of the material change of use of the Land from agriculture to a mixed use of the importation, processing, storage and export of waste material upon the Land; the deposition of waste material upon the Land; the storage of building materials upon the Land and the storage of plant, machinery and containers upon the Land and operational development comprising of the laying and construction of hardstanding upon the Land ("the Unauthorised Development") without the grant of the necessary planning approval.

Pursuant to Section 172 of the Town and Country Planning Act 1990, an Enforcement Notice requiring the cessation of, and the removal of the Unauthorised Development has been issued and a copy is enclosed by way of service on you as an occupier and licensee of the Land.

Should you decide to appeal against the Enforcement Notice, the enclosed information sheet from The Planning Inspectorate tells you how to make an Appeal. An additional copy of the Enforcement Notice is enclosed for attaching to any Appeal Forms.

Any appeal to The Planning Inspectorate should reach them before the Notice takes effect on **31st March 2023**.



Working together for a better Mid Sussex

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line 0303-444 5000
Email enquiries@planninginspectorate.gov.uk

THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- on-line at the Appeals Casework Portal (<https://acp.planninginspectorate.gov.uk/>); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

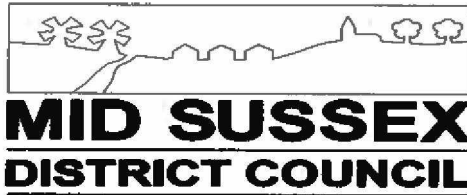
You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
- the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)**

ENFORCEMENT NOTICE

OPERATIONAL DEVELOPMENT AND MATERIAL CHANGE OF USE

Issued by **MID SUSSEX DISTRICT COUNCIL** ("the Council")

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, under section 171A(1)(a) of the above Act, at the Land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the Development Plan and to other material planning considerations. The Explanatory Note at the end of the Notice and the enclosures to which it refers, contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land east of Dan Tree Farm, London Road, Bolney, West Sussex RH17 5QF ("the Land") shown edged red on the attached plan ("the Plan").

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission:

- 3.1 the material change of use of the Land from agriculture to a mixed use of:
 - 3.1.1 the importation, processing, storage and export of waste material upon the Land;
 - 3.1.2 the deposition of waste material upon the Land;
 - 3.1.3 the storage of building materials upon the Land;
 - 3.1.4 the storage of plant, machinery and containers upon the Land;
- 3.2 operational development comprising of the laying and construction of hardstanding upon the Land.

("the Unauthorised Development").

4. REASONS WHY IT IS CONSIDERED EXPEDIENT TO ISSUE THIS NOTICE

- 4.1 It appears to the Council that the above breach of planning control stated in 3.1 above has occurred within the last 10 years and constitutes unauthorised development..
- 4.2 It appears to the Council that the above breach of planning control stated in 3.2 above has occurred within the last 4 years and constitutes unauthorised development.
- 4.3 The Unauthorised Development is located in a rural area and is unrelated to the needs of agriculture and is considered contrary to policies DP12 and DP16 of the Mid Sussex District Plan 2014 – 2031, policies W3, W4, W8 and W9 of the West Sussex Waste Local Plan 2014 – 2031, policy AS3 of the Ansty, Staplefield & Brook Street Neighbourhood Plan 2015-2031, paragraph 7 and Appendix B of the National Planning Policy for Waste 2014 and paragraph 177 of the National Planning Policy Framework 2021.
- 4.4 By virtue of its location, scale and appearance the Unauthorised Development causes harm to the visual amenity of the rural area and the High Weald Area of Outstanding Natural Beauty in which it lies contrary to policies DP12, DP16, DP26 and DP29 of the Mid Sussex District Plan 2014 – 2031, policies W11, W12 and W13 of the West Sussex Waste Local Plan April 2014 - 2031 policy AS3 of the Ansty, Staplefield & Brook Street Neighbourhood Plan 2015-2031, paragraph 7 and Appendix B of the National Planning Policy for Waste 2014 and paragraphs 176 and 177 of the National Planning Policy Framework 2021.
- 4.5 By virtue of the location and scale of the Unauthorised Development it represents a severe impact upon the safety of the local highway network contrary to policy DP21 of the Mid Sussex District Plan 2014 – 2031 and policy W18 of the West Sussex Waste Local Plan April 2014 – 2031 and paragraphs 110 and 111 of the National Planning Policy Framework 2021.
- 4.6 By virtue of the use, siting, scale and material construction of the Unauthorised Development it represents a risk to land and water contamination contrary to policies DP41 and DP42 of the Mid Sussex District Plan 2014 – 2031 and paragraph 183 of the National Planning Policy Framework 2021
- 4.7 By virtue of the use, siting and scale of the Unauthorised Development it causes harm to the adjacent ancient woodland and biodiversity of the Land contrary to policies DP27 and DP38 of the Mid Sussex District Plan 2014 – 2031 and policies W14, W16 and W19 of the West Sussex Waste Local Plan April 2014 – 2031, paragraph 7 and Appendix B of the National Planning Policy for Waste 2014 and paragraph 174 of the National Planning Policy Framework 2021.

4.8 The Council does not consider that planning permission for the Unauthorised Development should be given because it is contrary to the policies of the development plans and planning conditions could not overcome these objections to the Unauthorised Development.

5. WHAT YOU ARE REQUIRED TO DO

- 5.1 Cease the use of the Land for the importation, processing and export of waste material.
- 5.2 Cease the use of the Land for the deposition of waste material.
- 5.3 Cease the use of the Land for the storage of waste and building materials.
- 5.4 Cease the use of the Land for the storage of plant, machinery and containers.
- 5.5 Remove from the Land all plant, machinery, equipment, containers and vehicles.
- 5.6 Remove from the Land to an authorised place of disposal all imported and stored waste and building materials associated with the Unauthorised Development
- 5.7 Disconnect from all services (water, electricity, foul sewerage) the portacabin marked in the approximate position marked 'A' on the Plan.
- 5.8 Remove from the Land the portacabin sited in the approximate position marked 'A' on the Plan.
- 5.9 Remove from the Land the containers sited in the approximate position marked 'B' on the Plan.
- 5.10 Remove from the Land the hardstanding marked outlined in blue on the Plan.
- 5.11 Remove from the Land to an authorised place of disposal all debris and materials as a result of compliance with step 5.10 above.
- 5.12 Reinststate and restore the Land to its former condition and topography in keeping with the surrounding agricultural land.

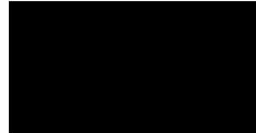
6. TIME FOR COMPLIANCE:

- 6.1 The time for compliance with requirement 5.1, 5.2 and 5.3 is 7 days after this Notice takes effect.
- 6.2 The time for compliance with requirements, 5.4, 5.5, 5.7, 5.8 and 5.9 is 14 days after this Notice takes effect.
- 6.3 The time for compliance with requirements 5.6, 5.10 and 5.11 is 28 days after this Notice takes effect.
- 6.4 The time for compliance with requirement 5.12 is 3 months after this Notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

THIS NOTICE TAKES EFFECT ON 31st March 2023 unless an appeal is made against it beforehand.

Dated: 28th February 2023



Signed
Authorised Officer on behalf of
Mid Sussex District Council

Notice Ref: EF/18/0446
Address to which all communications should be sent:
Assistant Director, Planning & Sustainable Economy,
Mid Sussex District Council,
Oaklands, Oaklands Road,
Haywards Heath, West Sussex, RH16 1SS
www.midsussex.gov.uk

EXPLANATORY NOTE

This Enforcement Notice has been served on the following persons whose names and addresses are set out below:

PJ Brown (Civil Engineering) Ltd
Burlands Farm
Charlwood Road
Crawley
West Sussex
RH11 0JZ

Peter John Brown
Burlands
Charlwood Road
Ifield
Crawley
West Sussex
RH11 0JZ

Mr Dane Rawlins
Bolney Park Farm
Broxmead Lane
Bolney
Haywards Heath
West Sussex
RH17 5RJ

Mrs Maureen Rawlins
Bolney Park Farm
Broxmead Lane
Bolney
Haywards Heath
West Sussex
RH17 5RJ

BARCLAYS BANK UK PLC (Co. Regn. No.9740322)
P.O. Box 187
Leeds
LS11 1AN

SARAH CATHERINE WRIGHT
Park Farm Cottage
Broxmead Lane
Bolney
West Sussex
RH17 5RJ

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but you must ensure that you send your appeal soon enough so that it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before the date specified in paragraph 7 above.

The enclosed information sheet from The Planning Inspectorate tells you how to make an appeal. Read it carefully. Under Section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following Grounds:-

- (a) that, in respect of any breach of planning control which may be constituted by the matters stated in the Enforcement Notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;
- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the Enforcement Notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the Enforcement Notice were not served as required by Section 172;
- (f) that the steps required by the Enforcement Notice to be taken, or the activities required by the Enforcement Notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the Enforcement Notice in accordance with Section 173(9) falls short of what should reasonably be allowed.

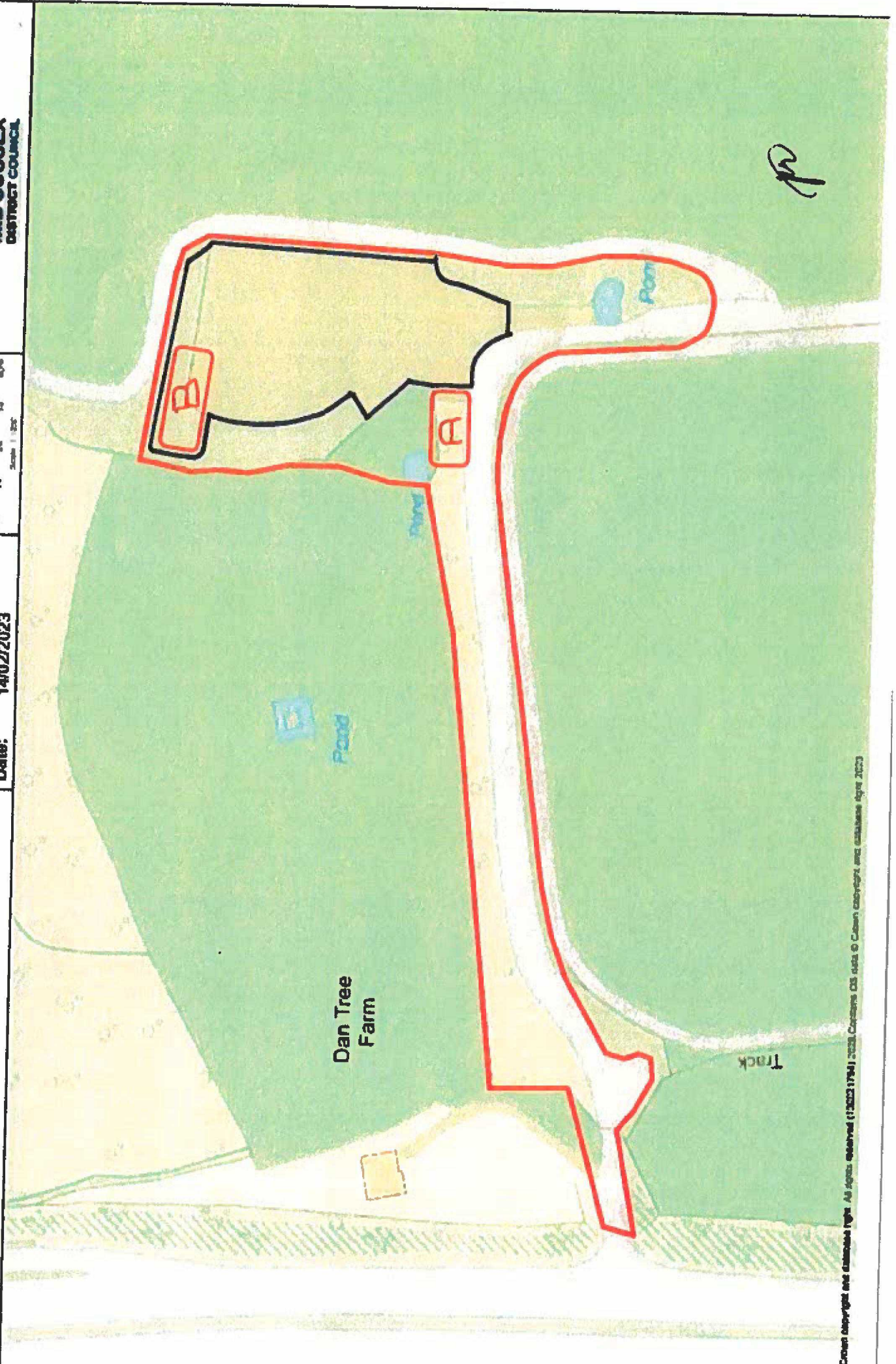
Not all of these Grounds may be relevant to you.

If you appeal under Ground (a) this is equivalent of applying for planning permission for the development alleged in the Enforcement Notice and you will have to pay a fee of £7,020. You should pay this fee to the Council's Assistant Director, Planning & Sustainable Economy, at this address (made payable to Mid Sussex District Council). Joint appellants need only pay one set of fees. Further information with regard to fees can be obtained from the Planning Inspectorate.

You must submit to the Secretary of State either when giving notice of your appeal or within 14 days from the date on which the Secretary of State sends you a notice requiring you to do so, a written statement specifying the Grounds on which you are appealing against the Enforcement Notice and stating briefly the facts on which you propose to rely in support of each of those Grounds.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 above and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in the Notice. Failure to comply with an Enforcement Notice, which has taken effect, can result in prosecution and/or remedial action by the Council.



WSCD003

West Sussex County Council
Planning Enforcement Report
Justification for taking Enforcement Action



1. **Case Details**

Land east of Dan Tree Farm, off A23, Bolney and shown edged red on the attached plan ("the Land")

2. **Summary in brief**

2.1. **Alleged Breach of Planning Control (scale, nature, and location):**

Material change of the use of the land from agriculture to sui generis waste use for importation, processing, and export of waste from the land along with ancillary storage; deposit of waste to the Land in the form of bunds.

The yard to the east of Dan Tree Farm has been leased by PJ Brown since 2004. Aerial photographs indicate that the yard was predominately empty and grassed in 2007, and being used as an operator's compound for the storage of plant, containers and equipment (planning use class B2/B8) in 2012. No visible areas of waste processing are apparent in these photographs. Current aerial photographs indicate that the Land is now being used predominantly for waste, with any storage or containers being ancillary to this primary use, as confirmed in the refusal of an application for a Certificate of Lawful Development relating to the use of the site for the importation, deposit, re-use and recycling of waste material and use of land for storage purposes (ref. WSCC/070/19, refused 8 January 2020).

Additionally, waste has been deposited to the land in the form of bunds along the eastern and northern boundary.

2.2. **Date of Alleged Breach:** 08 October 2018

2.3. **Expiration of Limitation Period?**

10 years from date of alleged breach (material change of use).

3.1. **Conclusion:**

The issue of an Enforcement Notice is required to stop the ongoing use of the land for the importation, processing and disposal of waste, and to require the clearance and restoration of the Land.

There is a likelihood of continuing use resulting in significant highway safety concerns relevant to the users of the A23. There are also considered to be the likelihood of impacts on the environment, including the High Weald Area of Outstanding Natural Beauty (AONB) and adjacent ancient woodland, and potentially, as a result, on people, particularly the residents of the neighbouring Dan Tree Farm House.

Failure to address the current breach of planning control will lead eventually to immunity from enforcement action and the establishment of inappropriate development.

3.2. **Recommendation:**

Formal enforcement action is required to cease the importation, processing, storage and deposit of waste on the land.

3.3. **Formal Action (if applicable):**

Serve Enforcement Notice requiring that the importation, processing, and deposit of waste ceases; and that waste is removed and the Land restored.

4. Site Context

The Land is part of an agricultural holding situated to the east of the A23 and to the north of Broxmead Lane, Bolney and is adjacent to its closest dwelling; Dan Tree Farm sits immediately to the east, and separates the site from the A23.

The Land sits within the High Weald AONB and is just south of Seven Acre Hanger (ancient woodland). Immediately to the west of the Land is The Hanger Site of Nature Conservation Importance (SNCI).

The Land is not within a groundwater source protection area. Part of the Land is identified as being at low risk of flooding by the watercourse that lies to the north, however the area is elevated and as a result this risk is considered to be insignificant.

Access to the Land is directly from the south bound carriageway of the A23, via a bellmouth junction. The access is secured by a large gate controlled by means of a PIN.

5. Background Information

In 2001 an agricultural determination application was made to Mid Sussex District Council in relation to the wider landholding for the infilling of the old bomb crater to the east and south east of the Land, levelling and re-seeding of the area; easing of the slope of the field, and banking and planting of the lower slope. The application was approved as 01/01232/AGRDET, dated 17 July 2001. In September 2001 application 01/01613/AGRDET for new hardcore farm track was approved, also as an agricultural determination by Mid Sussex District Council.

Planning permission WSCC/077/11/BK was granted for 'Development of equine rehabilitation and physiotherapy centre comprising treatment block, horse walker, sand school, car park, grass paddocks, exercise track and engineering operation to form a bund adjacent to the A23' by WSCC on 11 June 2012 on a neighbouring site, to the south west of the Land.

The land was first visited by WSCC officers 18 February 2014 as part of periodic monitoring undertaken of the adjacent site to the south west (i.e. site subject of WSCC/077/11/BK). The engineering works as approved under this permission were undertaken by PJ Brown.

The visit to both sites in February 2014 was a joint authority meeting, led by Richard Agnew (for WSCC) and attended by Stephen Kinchington for the EA, and Nick Page for PJ Brown. I attended as a trainee.

In relation to the Land, and as evidenced by the meeting note, Mr Page advised that no waste processing was taking place on the land at the time of the visit. There were considerable amounts of plant and equipment (including empty skips and containers, including mobile office facilities), and a stockpile of construction and demolition waste which appeared to be part bladed into the ground in an effort to increase the size of the compound. Mr Page insisted that this material was to be used temporarily for the works to be undertaken in the area permitted on the adjacent site; that the material on the Land was for storage only prior to those works; and that no processing of those materials had taken place on the Land. The photographs taken at this time show considerable plant and equipment (Heras fencing panels, empty skips, modular site office cabins etc.) placed on a surface made of compacted road planings

and, enclosed to the east by an bare soil bund (the implication take from this was that it was recently created, having had no time for vegetation to grow).

A further visit was undertaken by Mr Agnew in March but no meeting note was made. The photographs of the Land appear similar to those taken at the earlier visit. Because of the assertions made by Mr Page it was accepted at that time that no waste processing was taking place on the Land and was not therefore 'County Matter'. Soils imported for the bund permitted by WSCC/077/11/BK were brought directly to the permitted area for placement without the need for processing. Instead, and because the Land was being used for the storage of the paraphernalia associated with mobile plant works such as mobile offices, road warning signage, mobile wheel cleaners and empty skips, (some of which were being used to support the development on the adjacent site), the matter was brought to the attention of officers at Mid Sussex District Council, advising them of the apparent change of use of the land to a storage depot. Following this, I understand that no further action was taken by MSDC, and that the status of the land was not formalised (through grant of planning permission or by application for CLEUD).

Further monitoring visits to the adjacent site were undertaken in January and July of 2015. In July 2015 the visit highlighted a number of full skips, and stockpiles of road planings stored on the Land, which were identified by the operator (PJ Brown) as being part of the A23 works that were taking place at the time. I was advised that they were being stored under 'permitted development' rights under Part 9 (Development Relating to Roads) of the Town and Country Planning (General Permitted Development)(England) Order 2015, and that the compound was being used for temporary storage for these works. Again, I was assured that no waste processing was taking place on the Land.

Following advice from the EA the Land was visited again in October 2018 in response to concerns about the quality of material being used for the creation or reinstatement of agricultural tracks around the perimeter of adjacent agricultural field. A meeting was organised by Stephen Kinchington (EA) which was attended by Dale Rawlins (Landowner), Michael Martin (MSDC) and Phil Rowe (on behalf of PJ Brown, in attendance for part of the time only), as well as myself for WSCC. While the majority of the meeting took place along the track, discussions took place on the land in respect of operations taking place at that time. There had been considerable change in the intervening period, with very little storage of equipment and plant in evidence, and large stockpiles of waste material instead. Two bunds had been created by PJ Brown (confirmed by Phil Rowe): he stated that one was to contain the site to the north, and another further to the north, at the request of the landowner for the 'tidying' of the land following its use as a temporary motocross track by the landowner's son. The bunds were not grassed or otherwise planted. During this time I was advised by Mr Rowe that it was PJ Brown's intention to apply for a Certificate of Lawful Use (CLU) for the Land. I responded that I did not believe that the Land had been used for waste purposes for the required period of time and I advised that it was likely that WSCC would not support any such application.

A further visit to the Land was undertaken by James Neave (WSCC) on 03 January 2019 in relation to a planning application for Dan Tree Farm (to the west of the Land). During that visit Mr Neave identified that the Land was now being used entirely for waste purposes. He noted that it appeared that a large gate was in the process of being installed close to the A23, and it was apparent that a large skip had been used for the burning of waste. Additionally, there were large piles of sorted/screened construction and demolition waste in

evidence, along with a skip of scrap metal and rebar. It was noted that a screener was in situ, and that the bunds previously noted remained in place.

Aerial photographs show that the Land was in agricultural use in 2007; and that by 2012 it was being used for storage (of containers, etc.). There was no visible evidence of the use of the site for waste processing, storage, deposit or transfer at this time. Comparison of the 2012 and 2018 aerial photographs appears to show that the usable, cleared ground space has increased in size, which would accord with the landraising work that was carried out to the north of the site in 2012. However because of the difference in formats (WSCC base mapping in 2012 and Google in 2018), the underlying details are slightly different. Current aerial photographs indicate that the Land is now used for waste importation and processing, and that any storage on the land is now ancillary to that primary use.

An application for a Certificate of Lawful Use was submitted to this Authority on 30 September 2019 and became valid on 07 October 2019 as WSCC/070/19. It was heard by committee on 07 January 2020 and refused because on the balance of probability, neither use had taken place for a continuous period of ten years prior to the application.

Lawfulness through passage of time can only be achieved by means of a continuous breach of planning control. Had the use of the land remained as B2/B8 storage for the period in question then there would be an argument for lawfulness achieved through passage of time. However, there has been a marked change of use during this time from the B2/B8 storage use to a sui generis waste use constitutes a significant break in the unlawful storage use nullifying the timeline. Because neither the B2/B8 storage use or the sui generis waste use have taken place for a period of 10 years, neither use has achieved immunity from enforcement action. As a result, the lawful use of the land remains agricultural.

6. **Determining Issues**

The principal issue to be considered prior to taking enforcement action in the form of an Enforcement Notice, is whether there has been a breach of planning control and if so, and if it is not immune through the passage of time, whether such a breach is sufficiently harmful to warrant formal enforcement action.

The breach as described is considered to be development through a change of use of land to a sui generis waste use. The use does not have express planning permission and is not 'permitted development'.

For the avoidance of doubt, it is not considered that the deposit of waste to form bunds on the site is an engineering operation as it serves no purpose, other than the disposal of waste and avoidance of waste disposal fees. The bunds do not screen the site from any sensitive views or uses, or serve to enclose the site. It is therefore considered that their creation is a change of use through the deposit of waste, rather than operational development.

The County Council does not consider that the operation has been undertaken for a period of more than ten years. It is not therefore immune from enforcement action.

The importation, processing, storage and deposit of waste on the land is considered to be development of such a scale, and to have such an impact on the environment that it is contrary to development plan policies and harmful to the environment of the area. Information submitted with an application for a noise attenuation bund to the east of Dan Tree Farm (part of application

WSSC/050/18/BK, now refused) includes a noise assessment report (Noise Assessment (Earth Bund & House Relocation), Acoustic Associates Sussex Ltd, 30/08/2018) which provides a full noise survey; and a Highways Assessment (Technical Note, Dane Tree Farm, Bolney, West Sussex, May 2018, (Reeves Transport Planning, SGR/CLP/110518/V2)) which includes a recorded traffic survey identifying the vehicle movements entering and exiting the yard from the A23. The Highways Assessment notes that on a typical day 23 HGVs enter/leave the Site between 7am and 5pm (46 HGV movements); while the Noise Report refers to a concrete crusher and other plant operating sporadically on the Site.

The harm caused and the accordance or otherwise with planning policy is considered in the following sections.

The Authority does not consider that planning permission should be given, because planning conditions could not overcome the impacts of the development or bring it into accordance with the development plan. The development is contrary to the following development plan policies:

Mid Sussex District Plan 2014- 2031

Policies DP12 (Protection and Enhancement of Countryside); DP14 (Sustainable rural development and the rural economy); DP16 (High Weald Area of Outstanding Natural Beauty); DP26 (Character and Design); DP29 (Noise, Air and Light Pollution); DP37 (Trees, Woodland and Hedgerows); DP39 (Biodiversity); DP39 (Sustainable Design and Construction)

West Sussex Waste Local Plan April 2014

Policies W1 (Need for Waste Management Facilities), W3 (Location of Built Waste Management Facilities), W4 (inert waste recycling); W8 (recovery operations involving the deposit of inert waste to land); W9 (disposal of waste to land); W11 (character); W12 (high quality developments); W13 (protected landscapes); W14 (biodiversity and geodiversity); W16 (Air, soil and Water), W18 Transport, and W19 (public health and amenity)

7. Other Material Considerations

7.1. Risk to natural environment

The deposit of waste to the land has the potential to result in impacts on:

- air quality: through processing of waste resulting in dust, potentially odour (depending on type), and emissions from HGVs and plant operating on site.
- pollution/contamination: whilst the site seemingly processes predominantly inert construction and demolition waste (e.g. bricks, rubble, soils), in the absence of any planning permission or Environmental Permit, waste types cannot be guaranteed. The very nature of waste operations is such that discharges to water or soils are possible, particularly if other waste types are processed or typical mitigation measures not employed (e.g. safe storage of fuels, appropriate containment of foul and surface water drainage, etc.)
- landscape and visual amenity: through the visible deposit of material covering a large area, within a rural environment designated for its landscape value and natural beauty (AONB), and within the countryside, affecting views of local residents and those using the public rights of way in the vicinity.

- noise: primarily through processing of waste and mechanical 'clanks and bangs', crushing/screening plant noise, and HGV movements;
- ecology: through the deposit of waste on previously greenfield land, adjacent to ancient woodland, potentially affecting flora and fauna (including possibly protected habitat and species) directly and indirectly through off-site impacts;

7.2. **Risk to historic environment**

There is considered to be limited, if any risk to the historic environment. The site is agricultural and so 'greenfield', with the potential for items of archaeological interest being present, but the development does not appear to have involved significant excavations so it is unlikely that any such items would have been disturbed.

7.3. **Risk to public health and safety**

The site is located adjacent to the A23, so has excellent links to the strategic highway network. However, the access is via a bellmouth with very limited slowing/acceleration lanes and so has the potential to impact the safety of users of the highway, an issue that is exacerbated by its closeness to the exit of the nearby layby.

The use of the site for a commercial waste operation poses a risk to public health and safety through potentially increased vehicle movements on these roads. The use of the site access has not been assessed for this use so may pose a risk to highway safety. With no controls regarding vehicle cleanliness there is the potential for particulate matter to be deposited onto the A23 to the detriment of the safety of users of the highway. These vehicle movements also have the potential to increase pollution and therefore negatively impact public health.

7.4. **Significant financial loss to an individual (in particular, small businesses)**

There is no authorised operation taking place on the Land. The operator is known to be importing, processing, and storing waste derived from their own developments before sale or disposal, but this is not an authorised operation.

WSCC recognise that there is a likelihood of financial loss to the operator if an Enforcement Notice is issued. The actions detailed in the Enforcement Notice may be particularly costly to the operator due to the costs involved in clearing the waste – i.e. manpower to move the waste and plant etc. from the site; fuel costs; and disposal costs. However, the works detailed in the EN are necessary to stop harm to the environment and residents, and to enable the site to be adequately restored to agriculture.

There is also anticipated to be financial loss to the landowner who is accepting rent for the use of the Land, and who is also liable for any costs associated with remedying the breach.

Should the requirements of the Enforcement Notice not be met, WSCC will need to consider whether it is appropriate to proceed to prosecution or seek a mandatory injunction, which would likely cost WSCC a significant sum of money.

It is considered on balance that the continuing and increasingly harmful impact of the unregulated development on the area outweighs the likely economic loss of the unregulated development for the occupier.

7.5. **Breach wholly unacceptable**

The breach of planning control is wholly unacceptable and puts the environment and people at significant risk.

7.6. **Remedial action required? If Yes, is immediate action required**

Yes, an Enforcement Notice is required to be served to ensure that the importation processing and deposit of waste ceases on an ongoing basis, and that the site is cleared and restored to agricultural use.

7.7. **Could the breach be made acceptable by the submission of a suitable planning application and imposition of conditions?**

No. The site is not an appropriate location for a waste facility, taking into account the nature of the access onto the road network in this location (i.e. the site is accessed a bellmouth onto the A23); the countryside location; the impact on the amenity of the residents of Dan Tree Farm; and non-conformity with the development plan (i.e. not acceptable in this location in principle).

7.8. **Failure to comply with a statutory notice or to respond to negotiation**

Both operator and land owner have responded to initial Planning Contravention Notices served by this authority. Operations continue on the site.

7.9. **Obstruction of an authorised officer**

Officers visiting the site have not been obstructed.

7.10. **Persistent breaches of planning control**

The operator has continued to breach planning control over a long period of time – since at least 2012. However, because neither the B2/B8 storage use or the sui generis waste use have taken place for a continuous period of 10 years, neither use has achieved immunity from enforcement action.

7.11. **Likelihood of future breaches**

There is considered to be a significant likelihood of future breaches. The operator has continued to import material after the issue of a Planning Contravention Notice.

8. **Overall Assessment and Conclusion**

The risk to people and the environment resulting from the breach is considered to be significant, warranting the issue of an Enforcement Notice requiring that the importation and processing of waste ceases on an ongoing basis, and that waste is removed and the site restored.

There is a likelihood that the breaches will continue if formal enforcement action is not taken.

It is therefore considered to be expedient and proportionate to take enforcement action, having regard to the development plan and other material considerations, as set out above.

9. **General**

9.1 **Who is the Planning authority?**

West Sussex County Council is the waste planning authority in relation to the land. The use in question is primarily relates to the importation and deposit of waste. Some parts of the land are in use for residential purposes and remain unused so possibly in agricultural use, however these are considered ancillary to the waste use.

9.2 **Authorisation to take action if not the Planning authority?**

Not applicable.

9.3 **Environmental Impact Assessment**

The proposal does not comprise Schedule 1 development, as defined in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations').

The development falls within Part 11 (b) of Schedule 2, being an 'Installation for the disposal of waste'. Since the proposal falls within the indicative threshold in column 2 of the table in Schedule 2 (within 100m of controlled waters), the proposal is considered 'Schedule 2 development' within the meaning of the Regulations.

The indicative threshold for 'installations for the disposal of waste' (Part 11(b) of Schedule 2), as set out in the Annex to the Planning Policy Guidance: EIAs, states that EIA is more likely where new capacity would be created to hold more than 50,000 tonnes/year, or to hold waste on a site of 10 hectares or more. It further notes that sites taking smaller quantities of these wastes, or seeking only to accept inert wastes are unlikely to require EIA. The annex also notes that the key issues to consider are the scale of the development and the nature of the potential impact in terms of discharges, emissions or odour.

In this instance the site is seemingly used for storage, transfer and processing of predominantly inert waste within a site boundary of considerably less than 10 hectares (estimated 0.5 hectares). The throughput of waste on site is unknown, but given its limited size it is not considered likely to have capacity to hold/process more than 50,000 tonnes of waste per annum. As a result it is unlikely that the unauthorised development would exceed the indicative threshold for EIA development.

The site falls within the High Weald Area of Outstanding Beauty (AONB) and is positioned close to woodland (including ancient woodland). A single residential property lies in close proximity to the west (Dan Tree Farm), notably with planning permission granted for the property to be sited much closer to this unauthorised development than is currently the case. The site access road runs immediately north of this property. The site is not readily visible within the wider area or from public views and is not in a flood risk area.

Whilst the site seemingly processes predominantly inert construction and demolition waste (e.g. bricks, rubble, soils), in the absence of any planning consent or environmental permit, waste types cannot be guaranteed, nor can any specific mitigation be taken into account. The very nature of waste operations is such that discharges to water, emissions to air, and odour, are possible, particularly if other waste types are processed or typical mitigation measures not employed (e.g. safe storage of fuels, dust suppression, hours of operation, noise mitigation, appropriate foul and water drainage etc.).

On balance, the scale of the site and likely maximum throughput (constrained by its size), and proximity to a limited number of sensitive receptors, is such that the potential for environmental impacts are unlikely to be widespread or result in any particularly complex or transboundary impact. Having regard to the selection criteria in Schedule 3 of the EIA Regulations, and the matters set out above, it is considered that the proposed development would not have the potential for significant effects on the environment within the meaning of the EIA Regulations 2017. In the opinion of the County Planning Authority, based

on available evidence, the development would not require an Environmental Impact Assessment.

9.4 Planning Contravention Notice Served? When? Response? What?

Planning Contravention Notice was served on 18 February 2019. Responses received dated 07 March 2019 from the landowner and 25 March 2019 from the operator confirming that waste importation and processing has taken place, allegedly from the initial lease date of 2001 (a conclusion not supported by aerial photographs).

9.5 Human Rights Act 1998 and Equalities Act 2010

Article 8 of the European Convention on Human Rights safeguards respect for private and family life, whilst Article 1 of the first protocol concerns the non-interference with the peaceful enjoyment of private property. Both rights are subject to conditions and interference with these rights may be permitted if the need to do so is proportionate. In this particular matter, the interests of those affected by the planned development have been fully considered, as have the relevant considerations, which may justify interference with particular rights. All of these are set out within the body of the report and are examined in the context of relevant planning considerations.

Due regard, where relevant, has been taken to the County Council's equality duty as contained in the Equalities Act 2010.

10. Authorisation

| | |
|---|---|
| Date Submitted for Authorisation: | |
| Authorisation of Formal Enforcement Action (if applicable) | |
| Compliance and Monitoring Officer | Signature:  |
| | Name: Kirstie May |
| | Date: 6 January 2020 |
| Team Manager County Planning | Signature  |
| | Name: - Jane Moseley |
| | Date: 7 January 2020 |
| Head of Legal Services | Signature  |
| | Name  |
| | Date  |

11. **Notes.**
None

12. **Evidence location.**
G:\1. Enforcement & Compliance\Main Enforcement & Compliance Folder\Investigations\Cases by District\6. Mid Sussex\Park Farm, Bolney\INV 2018 020 WSCC Track and compound

13. **Case Officer** : Kirstie May
Contact Email : Kirstie.may@westsussex.gov.uk
Phone Number : 0330 2226 952

WSCD004

Contact:
Mr P Rainier, 01444 477328
PeterMR@midsussex.gov.uk

Your Ref:
Our Ref: PR/AR
BK/01/1232/AGRDET

Date:
17 July 2001

Mr D Rawlins
Bolney Park Farm
Broxmead Lane
Bolney
HAYWARDS HEATH
RH17 5RJ

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995
(AGRICULTURAL AND FORESTRY BUILDINGS AND OPERATIONS)**

**APPLICATION FOR DETERMINATION AS TO WHETHER DEVELOPMENT REQUIRES
PLANNING APPROVAL**

REFERENCE NO: BK/01/01232/AGRDET

APPLICANT: DANE RAWLINS

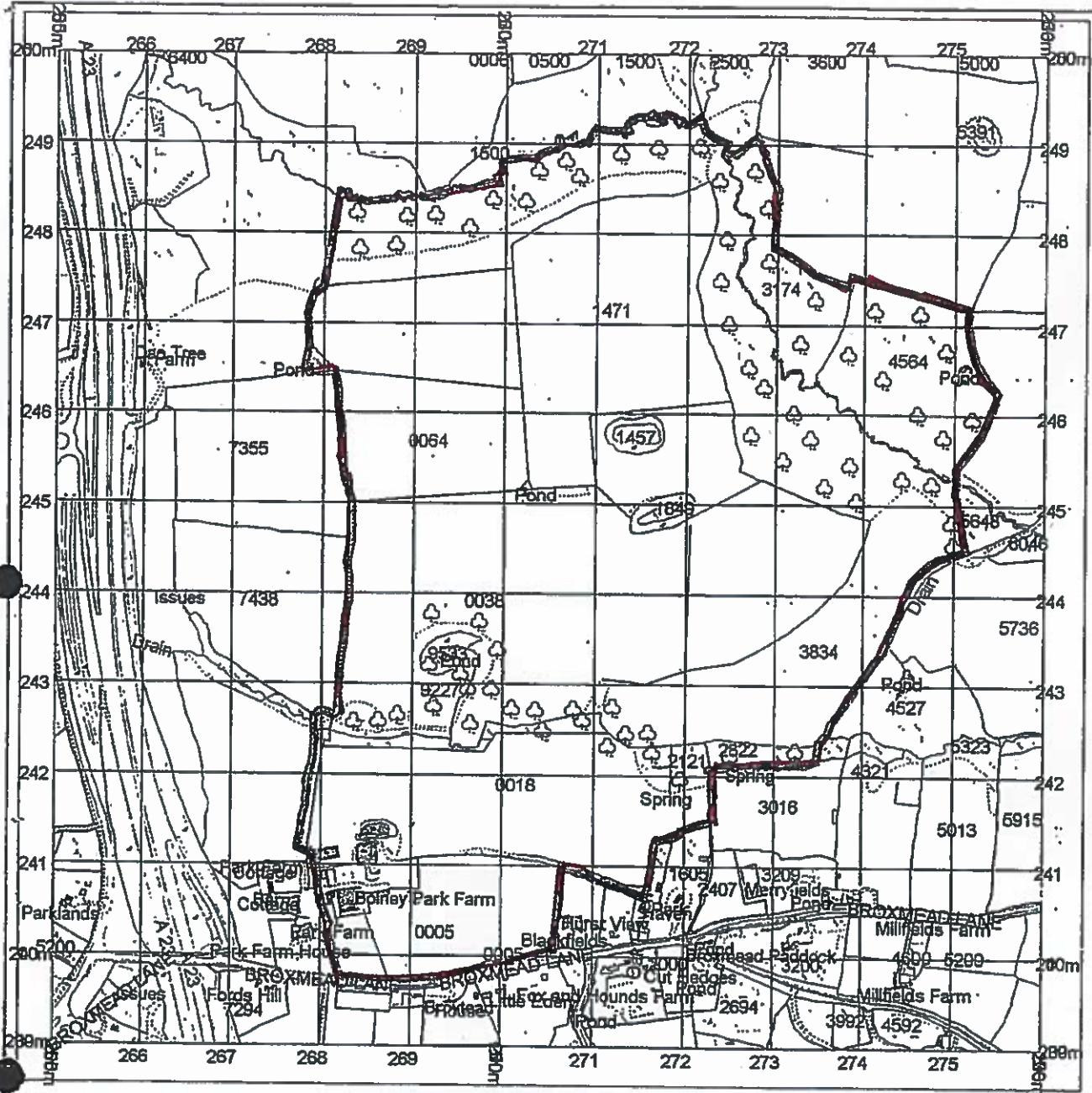
**PROPOSAL: AGRICULTURAL DETERMINATION APPLICATION FOR THE INFILLING
OF THE BOMB CRATER, LEVELLING AND RE-SEEDING OF AREA;
EASING OF THE SLOPE OF THE FIELD, AND BANKING AND PLANTING
OF THE LOWER SLOPE**

**LOCATION: BOLNEY PARK FARM, BROXMEAD LANE, BOLNEY, HAYWARDS
HEATH, RH17 5RJ**

Further to your notification of the above development received 20th June 2001 it has been determined the Council hereby notify you that they **GRANT** planning permission for the above development to be carried out in accordance with the submitted application and plans and subject to compliance with the following conditions:

Landscaping as shown on the submitted drawings is implemented during the next available planting season and no works be undertaken which disturb or affect the Site of Nature Conservation Importance immediately to the north and east.

Your application did not include the provision for any extension to the existing access track. Consequently this may be undertaken only as necessary to implement the development



MID SUSSEX DC.
 20 JUN 2001
PLANNING DEPT.



EDWARD STENHOUSE LTD

CHARTERED SURVEYORS
 RURAL ENERGY AND LAND MANAGEMENT CONSULTANTS

FARM OFFICE, NEWBRIDGE COLEMANS HATCH, HARTFIELD,
 EAST SUSSEX TN7 4ES

OS LICENCE NO: E5 73362E

Bolney Park Farm

May 2001 Not to scale

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