

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3004	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Provision of a freestanding solar array comprising 10 panels with an associated GRP enclosure for inverter and battery storage to serve the holiday lodge accommodation.		
Site:	Great Bentley Plantation, Borde Hill Lane, Haywards Heath, West Sussex, , , ,		
Validation Date	24 Nov 2025	Overall Expiry Date:	26 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	13 Jan 2026
Target Date:	19 Jan 2026	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	15 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3004

**Great Bentley Plantation, Borde Hill Lane, Haywards Heath, West Sussex, , ,
Provision of a freestanding solar array comprising 10 panels with an associated GRP enclosure
for inverter and battery storage to serve the holiday lodge accommodation.
Mr Alex Goddard**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

Conservation Officer - No objection

The Garden Trust - No comment

Historic England - Defer to Council's specialist

PARISH COUNCIL OBSERVATIONS

No comments received

INTRODUCTION

The application seeks planning permission for the installation of a freestanding solar array comprising 10 panels with an associated GRP enclosure for inverter and battery storage to serve the holiday lodge accommodation.

RELEVANT PLANNING HISTORY

DM/23/3218 - The provision of 5 no. self-contained holiday lodges. Conversion of an existing structure to provide a new reception building. (Amended plans received 15/02/2024 to include the removal of the new access). Granted

DM/25/0251 - Variation of conditions 2 and 5 of planning application DM/23/3218 - to allow for design changes. (Amended plans and information received 07/10/2025, 21/10/2025 and 28/10/2025). Under Consideration

DM/25/0408 - Non Material Amendment to planning application DM/23/3218 - Remove the last sentence of the planning permission description, which reads: (AMENDED PLANS RECEIVED 15/02/2024 TO INCLUDE THE REMOVAL OF THE NEW ACCESS). Granted

SITE AND SURROUNDINGS

The site is located within the countryside and High Weald Area of Outstanding Natural Beauty, and is accessed by an existing single track off the western side of Borde Hill Lane. This access track extends approximately 1km from the public highway to the application site and through a portion of the Grade II* Historic Park and Garden of Borde Hill.

The track extends through areas of open fields and to the south of Great Bentley Plantation, an area of Ancient Woodland, with areas of hardstanding by the junction with the highway and to the south of the existing shooting lodge. There is also another existing timber building to the south of the track. There are distant public views of the site from public footpaths to the north and south of the site.

The locality has a distinctive rural and verdant character with areas of open fields and woodland with sporadic residential and commercial development.

APPLICATION DETAILS

The proposal seeks planning permission for the for the installation of 10 No. ground based solar panels which would be used in association with the previous granted holiday lets (DM/23/3218). The solar panels would be located to the south of the existing track and would be positioned within two lines. The

proposal would also include an associated enclosure for inverter and battery storage. This structure would be located to the northern side of the panels and would have a width and depth of 2 metres respectfully with an overall height of 2.3 metres.

The enclosure would be constructed in green GRP.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and Ansty and Staplefield Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

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

Relevant policies:

- DP12 - Protection and Enhancement of Countryside
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP26 - Character and Design
- DP34 - Listed Buildings and Other Heritage Assets
- DP36 - Historic Parks and Gardens
- DP38 - Biodiversity
- DP39 - Sustainable Design and Construction
- DP40 - Renewable Energy Schemes

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

No relevant policies.

Ansty and Staplefield Neighbourhood Plan (made February 2017)

Relevant policies:

AS3 - High Weald area of Outstanding Natural Beauty

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPS3 - Renewable and Low Carbon Energy Schemes

DPN2 - Biodiversity Net Gain

DPN5 - Historic Parks and Gardens

DPN8 - Light Impacts and Dark Skies

DPD1 - Protection and Enhancement of the Countryside

DPC4 - High Weald Area of Outstanding Natural Beauty

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide/Code

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

Principle

Design and Impact on the Listed Buildings and Registered Park and Garden

Impact on the High Weald AONB

Impact on neighbour amenities

Biodiversity Net Gain

Planning Balance and Conclusion

Principle

Policy DP12 of the Mid Sussex District Plan states:

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

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

Policy DP40 of the Mid Sussex District Plan relates to renewable energy and states:

'Proposals for new renewable and low carbon energy projects (other than wind energy development - see below), including community-led schemes, will be permitted provided that any adverse local impacts can be made acceptable, with particular regard to:

- *Landscape and visual impacts, including cumulative impacts, such as on the setting of the South Downs National Park and High Weald Area of Outstanding Natural Beauty, and the appearance of existing buildings;*

- Ecology and biodiversity, including protected species, and designated and non-designated wildlife sites;
- Residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access.

Assessment of impacts will need to be based on the best available evidence, including landscape capacity studies. Proposals for wind energy development involving one or more wind turbines will only be granted if:

- the development site is in an area identified as suitable for wind energy development in a Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.'

The solar panel system would generate renewable energy for a granted holiday let permission on the land to allow the development to be 'off-grid'. The panels would be located within an existing field with no public views of the proposal given its scale and profile. It is therefore considered that the proposal would meet the requirements of policies DP12 and DP40 of the Mid Sussex District Plan and is acceptable in principle.

Design and Impact on the Listed Buildings and Conservation Area

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Policy DP34 of the District Plan is relevant and states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;
- Special regard is given to protecting the setting of a listed building;
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'

Mid Sussex District Plan policy DP36 states:

'The character, appearance and setting of a registered park, or park or garden of special local historic interest will be protected. This will be achieved by ensuring that any development within or adjacent to a registered park, or park or garden of local historic interest will only be permitted where it protects and enhances its special features, setting and views into and out of the park or garden.'

Paras 205, 212-215 of the NPPF state:

'205. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

c) the desirability of new development making a positive contribution to local character and distinctiveness.

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Principle DG11 of the Mid Sussex Design Guide states: *'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.'*

Elsewhere new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric. There may be potential to introduce a new character / development form and massing:

- *On larger urban extensions; this will typically be within the middle of the site and associated with a new neighbourhood centre, spine road or the main open space.*
- *In town centre locations defined as coarse grain areas and nearby sites identified on the brownfield sites register.'*

Historic England and the Gardens Trust have been consulted on the application and state that they do not wish to provide comments on the application.

The Council's Conservation Officer was also consulted and provided the following comments:

'The principal application site is located in an area of woodland and rough pasture some distance to the west of Borde Hill Lane, although the site boundary includes a long access track running east from here to the road. Planning permission was granted in 2024 and amended in 2025 for the construction of 5 holiday lodges adjacent to the site- the current proposal relates to this permission and is for the installation of a small solar PV array, on the site of what was previously proposed to be EV charging points for the development.'

In my opinion, given the limited scale of the proposed installation and its distance from the nearest listed buildings at Borde Hill House and Naldred Farmhouse, there is unlikely to be any material impact on their settings. In terms of the registered Park and Garden, the boundary of which is a short distance to the east of the site, due to the intervening screening by existing and proposed new planting (including the orchard which forms part of the approved lodges scheme) I do not consider that the setting or significance of this heritage asset will be adversely affected by the proposal.'

The proposal therefore meets the requirements of District Plan Policies DP34 and DP36 and the relevant paragraphs of the NPPF.'

The proposal would be located some 1.1 km from Borde Hill Lane to the east, and some 360 metres north of the closest public footpath, with an area of ancient woodland in between. Given the small scale and low profile the proposal and its separation from public view points and the heritage assets it is considered that the proposal would not have an impact on the setting or the significance of the heritage asset, or the character of the locality

The proposal is therefore considered to comply with policies DP26, DP34 and DP36 of the Mid Sussex District Plan.

Impact on the High Weald AONB

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads 66. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Footnote 66: English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan requiring proposals to conserve and enhance the AONB.

Mid Sussex District Plan policy DP16 states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

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

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular'

The ethos of this policies is echoed in policy AS3 of the Ansty and Staplefield Neighbourhood Plan.

Given the design, form and scale of the proposal, along with its low profile and position to nearby woodland, the proposal is not considered to have an impact on the wider landscape and scenic beauty of the AONB. The proposal is therefore considered that the proposal would conserve and enhance the landscape of the AONB and is considered acceptable.

Impact on neighbouring properties

Policy DP26 seeks to ensure that development:

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

The closest neighbouring residential properties to the proposal includes Goldings, Brook Street to the west which is approximately 720 metres from the proposal, Great Bentley Farm 800 metres to the north, Stone Lodge 715 metres to the south and Naldred Farmhouse 1.1 kilometres to the east. Due to the secluded position of the proposal and its small scale, it is considered that the proposal would not cause harm to the amenities of neighbouring properties.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the NPPF.

The proposal is acceptable in terms of its principle, design, size and scale which is in proportion and appropriate to the rural character of the site and the landscape of the AONB, would not cause harm to the setting and would not cause harm to the amenities of neighbouring properties.

It is therefore considered that the proposal complies with Mid Sussex District Plan policies DP12, DP16, DP26, DP34 and DP36 policy AS3 of the Ansty and Staplefield Neighbourhood Plan and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Katherine Williams