

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2143	Case Officer:	Andrew Watt
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Provision of a new UKPN GRP substation		
Site:	Car Parking Area Adj To, The Old Stable Block, Borde Hill Garden, Borde Hill Lane, Haywards Heath, West Sussex, RH16 1XP,		
Validation Date	22 Aug 2025	Overall Expiry Date:	17 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	12 Nov 2025
Target Date:	17 Oct 2025	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	12 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2143

Car Parking Area Adj To, The Old Stable Block, Borde Hill Garden, Borde Hill Lane, Haywards Heath, West Sussex, RH16 1XP
Provision of a new UKPN GRP substation
Mrs Jay Goddard

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

None.

TOWN / PARISH COUNCIL OBSERVATIONS

No comments received.

INTRODUCTION

A Lawful Development Certificate is sought for the provision of a new UKPN GRP substation.

RELEVANT PLANNING HISTORY

In November 2023, planning permission was granted for extension and alterations to the existing Stables building to improve and expand the existing restaurant and café/tea house. Partial change of use of Stables from gym to new farm shop/ delicatessen with storage above. Change of use first floor from offices to 4 No. hotel rooms for visitor accommodation and associated parking and landscaping works (DM/23/0421).

In May 2024, planning permission was granted for variation of condition no. 2 relating to planning application DM/23/0421 - to amend the approved plans to include revisions to the design of the extension, increased soft landscaping and reduction in hard landscaping, and modest increase in size of the external plant room (DM/23/3210). This permission is being implemented.

An application to vary condition 2 of permission DM/23/3210 to allow amendments to the plant room is awaiting determination (DM/25/2064)

SITE AND SURROUNDINGS

The site is in use as a car park located directly north of the Stable Block and diagonally opposite North Lodge, within Borde Hill Garden. It is within the High Weald AONB and a Registered Park and Garden. Borde Hill House to the north-west is a Grade II listed building.

APPLICATION DETAILS

A Lawful Development Certificate is sought for the provision of a new UKPN GRP substation. It will be sited within the existing car park directly north of the Stable Block (and on higher ground) and diagonally opposite North Lodge, in place of 2 car parking spaces. It will measure approximately 2.8m squared to a maximum of 2.4m in height. The enclosure will be finished in green GRP and sit on a concrete base measuring 3.0m squared and 0.15m high, with outward-opening double doors to the north elevation and 2 louvres each on the other elevations. The roof will overhang the north and south elevations by 0.15m.

The application includes a site plan by UKPN showing a route to this substation from their main supply line south of the main entrance.

LEGAL FRAMEWORK

As this is an application to establish whether the proposed development would benefit from permitted development rights and will be a legal decision, planning merits cannot be taken into account when considering this application.

The proposal will be tested against the relevant criteria of Schedule 2, Part 15, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as detailed below:

Class B - electricity undertakings

Permitted development

B. Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of—

- (a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;
- (b) the installation or replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;
- (c) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;
- (d) the extension or alteration of buildings on operational land;
- (e) the erection on operational land of the undertaking of a building solely for the protection of plant or machinery;
- (f) any other development carried out in, on, over or under the operational land of the undertaking.

Development not permitted

B.1 Development is not permitted by Class B if—

- (a) in the case of any Class B(a) development—
 - (i) it would consist of or include the installation or replacement of an electric line to which section 37(1) of the Electricity Act 1989 (consent required for overhead lines) applies;
 - or
 - (ii) it would consist of or include the installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus and the chamber would exceed 29 cubic metres in capacity;
- (b) in the case of any Class B(b) development—
 - (i) the development would take place in a National Park, an area of outstanding natural beauty, or a site of special scientific interest;
 - (ii) the height of any support would exceed 15 metres; or
 - (iii) the electronic communications line would exceed 1,000 metres in length;
- (c) in the case of any Class B(d) development—
 - (i) the height of the original building would be exceeded;
 - (ii) the cubic content of the original building would be exceeded by more than 25% or, in the case of any building on article 2(3) land, by more than 10%, or
 - (iii) the floor space of the original building would be exceeded by more than 1,000 square metres or, in the case of any building on article 2(3) land, by more than 500 square metres;
- (d) in the case of any Class B(e) development, the building would exceed 15 metres in height, or

(e) in the case of any Class B(f) development, it would consist of or include—

- (i) the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or
- (ii) the installation or erection by way of addition or replacement of any plant or machinery exceeding 15 metres in height or the height of any plant or machinery replaced, whichever is the greater.

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- (a) in the case of any Class B(a) development consisting of or including the replacement of an existing electric line, compliance with any conditions contained in a planning permission relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line;
- (b) in the case of any Class B(a) development consisting of or including the installation of a temporary electric line providing a diversion for an existing electric line, on the ending of the diversion or at the end of a period of 6 months from the completion of the installation (whichever is the sooner) the temporary electric line is removed and the land on which any operations have been carried out to install that line is restored as soon as reasonably practicable to its condition before the installation took place;
- (c) in the case of any Class B(c) development, on the completion of that development, or at the end of a period of 6 months from the beginning of that development (whichever is the sooner) any plant or machinery installed is removed and the land is restored as soon as reasonably practicable to its condition before the development took place; and
- (d) in the case of any Class B(e) development, approval of details of the design and external appearance of the buildings must be obtained, before development is begun, from—
 - (i) in Greater London or a metropolitan county, the local planning authority,
 - (ii) in a National Park, outside a metropolitan county, the county planning authority,
 - (iii) in any other case, the district planning authority.

Interpretation of Class B

B.3 For the purposes of Class B(a), "electric line" has the meaning given by section 64(1) of the Electricity Act 1989 (interpretation etc. of Part 1).

B.4 For the purposes of Class B(b)—

"electrical plant" has the meaning given by section 64(1) to that Act; and
"electronic communications line" means a line which forms part of an electronic communications apparatus, (and both line and electronic communications apparatus have the meaning given in paragraph 5 of the electronic communications code set out in Schedule 3A to the Communications Act 2003 (the electronic communications code)).

B.5 For the purposes of Class B(d), (e) and (f), the land of the holder of a licence under section 6(1) of the Electricity Act 1989 (licensing of supply etc.) is treated as operational land if it would be operational land within section 263 of the Act (meaning of "operational land") if such licence holders were statutory undertakers for the purpose of that section.

ASSESSMENT

This permitted development right applies to 'statutory undertakers'. The applicant is a Trustee of the Borde Hill Estate, which is not a statutory undertaker.

In other respects:

As a sub-station, the proposal would comply with Class B (e) for the erection on operational land of the undertaking or undertaking of a building solely for the protection of plant or machinery.

The building would not exceed 15m in height, so would not conflict with B.1 (d).

As set out in B.2 (d), approval of details of the design and external appearance of the buildings must be obtained, before development is begun, from the district planning authority. In this respect, it is noted that the legislation does not provide any instruction on how to apply for such approval (as is the case with prior approvals, for example). Therefore, it is considered that as such details have been submitted as part of the application, they can be assessed as part of this Lawful Development Certificate, and conditioned accordingly if acceptable. The development of this structure has not yet begun.

The design of the structure is modest in scale, taking up 2 car parking spaces within an existing car park and adjacent to the proposed cycle storage and refuse storage area. It is tucked further away from the entrance to the Stable Block building and the main shop for Borde Hill Garden. It is of a utilitarian design, being of a simple square shape atop a concrete plinth, with double doors facing outwards to the north and the other elevations having two louvres each, one above the other. The roof is of a shallow pitch to a pyramid shape in the centre, as compact as it could be. In terms of external materials, the structure will be of Green GRP to both the walls and roof.

Therefore it is considered that the design and external appearance of the structure are as discreet as they could be in this sensitive location, and will be screened to the south by existing planting.

CONCLUSION

While all other matters are acceptable, the applicant is not a statutory undertaker and therefore the proposed development does not comply with the applicable permitted development criteria as set out within Schedule 2, Part 15, Class B (e) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore a certificate cannot be issued.

Decision: Refusal

Case Officer: Andrew Watt