

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1531	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Ground mounted solar panels		
Site:	West Cottage, Whitemans Green, Cuckfield, Haywards Heath, West Sussex, RH17 5HX, ,		
Validation Date	12 Jun 2025	Overall Expiry Date:	8 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	6 Aug 2025
Target Date:	7 Aug 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	6 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1531

**West Cottage, Whitemans Green, Cuckfield, Haywards Heath, West Sussex, RH17 5HX,
Ground mounted solar panels
Michael Mulligan**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

Naturespace: No comment

PARISH COUNCIL OBSERVATIONS

None received

INTRODUCTION

Planning permission is sought for the installation of 30 ground mounted solar panels on land to the west of the main dwelling and its garden.

RELEVANT PLANNING HISTORY

None relevant

SITE AND SURROUNDINGS

West Cottage is a semi-detached dwelling which is set back from Whitemans Green and accessed by a private track serving Beech Farm, East Cottage, West Cottage and Beech Farm Mill.

To the south of the site is a Meadow with fields beyond, to the north of the site is hedging to the playing fields beyond, to the west of the site is hedging to fields beyond and to the east of the site is post and rail fencing to the garden beyond.

The site is outside of the built-up area of Cuckfield

APPLICATION DETAILS

The 30 solar panels measure 1.79m by 1.134m and 0.54m in height.

The panels are to be sited in a meadow adjoining the garden of the dwelling.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and Hassocks 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

DP26 - Character and Design

DP40 - Renewable Energy Schemes

Cuckfield Neighbourhood Plan (made October 2014)

Relevant policies:

CNP1 - Design of New Development and Conservation

CNP10 - Building Extensions Within and Outside the Built-Up Area Boundary

Mid Sussex Site Allocations Document (DPD)

Mid Sussex District Council adopted its Site Allocations Development Plan Document on 29th June 2022. The Site Allocations DPD identifies sufficient housing sites to provide a five year housing land supply to 2031 and also makes sure that enough land is allocated to meet identified employment needs.

There are no policies deemed relevant to this application.

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.

Mid Sussex District Plan 2021-2039 Submission Draft

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:

DPS2 - Sustainable Design and Construction

DPS3 - Renewable and Low Carbon Energy Schemes

DPC1 - Protection and Enhancement of the Countryside

DPB1 - Character and Design

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131, 135 and 167 are considered to be relevant to this application.

ASSESSMENT

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

- Principle of Development
- Design and Impact
- Impact on neighbour amenities

Principle of Development

Policy DP12 of the Mid Sussex District Plan states (in part):

'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 CNP10 of the Cuckfield Neighbourhood Plan echoes the ethos of this policy.

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 West Cottage. The proposal would be modest in size, therefore in keeping with the rural location.

It is therefore considered that the principle of proposal would meet the requirements of policies DP12 and DP40 of the Mid Sussex District Plan and is acceptable.

Design and Impact

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'.

Cuckfield Neighbourhood Plan policy CNP1 states:

'New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) *Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
 - i. *height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. *the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
- b) *Is sympathetic to the setting of any heritage asset and*
- c) *Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) *Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) *Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) *Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) *Makes best use of the site to accommodate development.'*

Policy CNP10 of the neighbourhood plan states:

'Building extension will be permitted where it meets the following criteria:

- a) *The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- b) *Spacing between buildings would respect the character of the street scene.*
- c) *Gaps which provide views out of the village to surrounding countryside are maintained.*
- d) *Materials are compatible with the materials of the existing building.*
- e) *The traditional boundary treatment of an area is retained and, where feasible, reinforced and*
- f) *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

The Mid Sussex Design Guide requires all development to have a high standard of design.

it is considered that the chosen siting of the solar panels is appropriate in the respect that these will be positioned adjacent to existing garden curtilage development and not isolated within the meadow. The amount of ground coverage is also only modest. The arrays will not be visible from Whitemans Green

due to their distance and intervening screening. Coupled with this, given the distance to the public footpath to the rear of West Cottage and its garden to the west, there are no public vantage points from which they could be viewed as unduly prominent or in any way harmful to the countryside setting. The visual impact of the panels is therefore considered to be acceptable and it is not considered to be necessary to require any mitigation landscaping planting in this case. Therefore, the proposal is deemed to comply with DP26 of the Mid Sussex District Plan.

Impact on the amenities of neighbouring properties

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*...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*'.

Policy CNP10 states that proposals should "safeguard" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Given the nature of the proposed development, its position and scale it is considered that there would not be an adverse impact on neighbouring amenity.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

CONCLUSION

In conclusion, the proposal is considered to be appropriate in terms of character and scale of the surround buildings and landscape; would not cause significant harm to the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policies DP12, DP26, and DP40, policy CNP1 and CNP10 of the Cuckfield Neighbourhood Plan, Mid Sussex Design Guide and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell