

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1349	Case Officer:	Hamish Evans
Application Type:	Prior Notification - Telecommunication		
Proposal:	The installation of 1 No. 25 metre high lattice tower mounted with 9 No. antenna apertures and 3 No. GPS nodes, 12 No. cabinets, within a compound comprised of 2.4 metre high green palisade fence, 1 No. electrical metre cabinet and associated development thereto		
Site:	Land At Ockley Park, Ockley Hill, Ockley Lane, Hassocks, West Sussex, , ,		
Validation Date	23 May 2025	Overall Expiry Date:	18 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval is Granted	Recommendation Date:	10 Jul 2025
Target Date:	18 Jul 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	41
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Signed and Agreed By:	Stephen Ashdown	Date:	14 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1349

**Land At Ockley Park, Ockley Hill, Ockley Lane, Hassocks, West Sussex, ,
The installation of 1 No. 25 metre high lattice tower mounted with 9 No. antenna apertures and 3
No. GPS nodes, 12 No. cabinets, within a compound comprised of 2.4 metre high green palisade
fence, 1 No. electrical metre cabinet and associated development thereto
Cellnex Connectivity Solutions Limited**

SUMMARY OF REPRESENTATIONS

37 third-party letters of representation have been received. 2 letters support the application and 34 letters object to the proposal. 1 letter neither supports or objects to the application.

The objection letters object to the proposal for the following reasons:

- Harm from EMF
- Implications of ICNIRP self-certification and conflict of interest,
- ICNIRP insufficient,
- No identified exclusion zone for those with AIMD,
- Impact on ecology and biological life,
- Not necessary,
- Enabling mass surveillance encroaching of civil liberties and rights to privacy,
- Impact on semi-rural area,
- Too close to residential properties, businesses and schools,
- Impact from radiation,
- Impact on sustainability and climate change,
- Not BNG compliant,
- Public health impacts,
- Siting near Nature Reserve,
- Siting near older community,
- Impact on local area,
- Submit information misrepresent impact,
- Impact on access to open space,
- Scale,
- Noise pollution,
- Access would require clearing works,
- Impact on landscape,
- Waste of money,
- Overbearing,
- Unacceptable use of land,
- Unsustainable site,
- No benefits,
- Speculative application,
- No end users,
- Does not comply with Code of Practice,
- Could be obsolete in the future due to technology advancements,
- Cause anxiety and stress,
- Impact on trees,
- Insufficient screening,
- Proximity to sensitive receptors,
- Liability of future litigation,
- Impact on SDNP,
- Impact on AONB,
- Impact on views of Hassocks,

- Industrial appearance,
- Insufficient consultation,
- Impact on house prices,
- Impact on existing open space,
- Increase in traffic,
- Light pollution,
- Impact on Ancient Woodland,
- Encourage graffiti, and
- Cumulative impact on area with previously approved development.

Letters that have also been received query whether an Environmental Impact Assessment, Disability Impact Assessment and a Risk Assessment has been undertaken as part of the application.

The letters in support of the application state that the proposal is needed due to rapid growth in the area, that mobile coverage is a matter of public safety and the provision of 5G is positive.

A comment was received neither objecting or supporting but advising that the stated grid reference is incorrect. A comment requests the background information relating to the application under the Freedom of Information Act.

SUMMARY OF CONSULTEES

MSDC Tree Officer

No objection subject to conditions.

PARISH COUNCIL OBSERVATIONS

Recommend approval.

INTRODUCTION

This prior notification application is submitted on behalf of Cellnex, which is a mobile infrastructure services company. The application seeks a determination under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether the prior approval of the local planning authority is required for the siting and appearance of the installation of a 25 metre high lattice tower within a fenced compound and associated infrastructure at Ockley Park, Ockley Hill, Hassocks RH15 9HR.

RELEVANT PLANNING HISTORY

None relevant.

SITE AND ITS SURROUNDINGS

The site is located within the countryside with the Hassocks built up area boundary some 721 metres to the south of the application site and the Burgess Hill built up area boundary some 349 metres to the north of the application site. The site consists of a large open agricultural field which is bordered by significant tree lines. The proposed mast and compound would be located within the northwest corner of the existing field. The railway track is located to the west of the site, significant tree lines are located to the north and west of the site and the agricultural field is located to the south and east of the site. The nearest residential properties to the north are located on Nightingale Lane and are some 410 metres from the site and Greenlands Drive located to the northeast some 510 metres from the site. Batchelors Farm Nature Reserve is located to the north of the site and Nightingale Meadows Nature Reserve is located to the northwest of the site. The surrounding area consists of open agricultural fields, a trainline and woodland. The surrounding treeline consists of trees that measure some 13 metres in height.

APPLICATION DETAILS

The proposal is for the erection of a 25m high lattice mast, the installation of 9 antennas, 3 GPS nodes, 12 radio equipment cabinets and the creation of a dedicated compound. The compound comprises of a 2.4 metre high palisade fence and associated development. The proposal includes a temporary access to the site from Ockley Road which will be used during the construction of the proposal. Post-construction the site would be accessed through an access from Wingle Tye Road which was permitted under application DM/18/4979.

The application seeks a determination under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether the prior approval of the local planning authority is required for the siting and appearance of the installation of a 25 metre high lattice tower within a fenced compound and associated infrastructure.

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, the Mid Sussex Site Allocations DPD and the 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.

The PPG explains that 'Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application.'

In the case of telecommunications development, the Town and Country Planning (General Permitted Development) Order 2015 states that before beginning development that is classified as permitted development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

Mid Sussex District Plan

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

Relevant policies:

DP12 - Protection and Enhancement of Countryside

DP23 - Communication Infrastructure

Site Allocations Development Plan Document

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

There are no relevant policies.

Hassocks Neighbourhood Plan (adopted July 2020)

No relevant policies.

Other Material Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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. A list of relevant policies can be found here:

DPC1: Protection and Enhancement of the Countryside

DPI4: Communications Infrastructure

National Planning Policy Framework (NPPF) (December 2024)

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.

ASSESSMENT

This prior approval application needs to be considered against Part 16 (Communications), Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The development complies with the technical requirements, subject to the prior approval process where the LPA must consider as to whether the prior approval of the authority will be required for the siting and appearance of the development. To assist in that regard, the development should be considered against the development plan policies.

Policy DP23 of the District Plan relates to communication infrastructure and states that:

'The Council will encourage the incorporation of digital infrastructure including fibre to premises, in major new housing, employment and retail development. The expansion of the electronic communication network to the towns and rural areas of the District will be supported.'

When considering proposals for new telecommunication equipment the following criteria will be taken into account:

- The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;*
- New telecommunication equipment should not have an unacceptable effect on sensitive areas, including areas of ecological interest, areas of landscape importance, Areas of Outstanding Natural Beauty, the South Downs National Park, archaeological sites, conservation areas or buildings of architectural or historic interest and should be sensitively designed and sited to avoid damage to the local landscape character;*

- Preference will be for use to be made of existing sites rather than the provision of new sites. When considering applications for telecommunications development, regard will be given to the operational requirements of telecommunications networks and the technical limitations of the technology.'

Paragraphs 122 and 123 of the NPPF state:

'122. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and

b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

123. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.'

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

'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:

o it is necessary for the purposes of agriculture; or

o it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'

The proposed site is located a relatively significant distance from the built up area of Hassocks and Burgess Hill. There are several Public Rights of Way within the surrounding area. The proposed lattice tower would be some 25 metres in height and given its siting and scale there would be views of the proposed tower from the surrounding area. The surrounding trees measure some 13.0 metres high with the proposed mast extending some 12.0 metres above those trees.

The views of the proposal would be partially screened by the existing trees within the surrounding area and the topography of the surrounding landscape. Clear views of the apparatus will be mainly confined to the immediate vicinity. The proposed mast is to be galvanised steel which would assimilate with the traditional colour of the UK sky. It is not uncommon for tall metal structures to be sited within the countryside such as the proposal and electrical masts. The proposal has been sited within the northwestern area of the field so as to be sited close to the significant trees lines. There is a significant concrete water tower some 500 metres to the east of the site.

Taking into account the above the proposal is considered to minimise the impact on the visual amenity, character and appearance of the surrounding area, and its siting and appearance is considered acceptable. It is also considered to maintain the quality of the rural and landscape character of the District and be supported by policy DP23 of the Mid Sussex District Plan. As such the proposal is considered to comply with the above parts of policies DP12 and DP23 of the Mid Sussex District Plan.

Comments have been received which object to the proposal due to its proximity to residential properties, businesses, schools, wildlife, nature reserves and that the proposed use of the land is unacceptable. Whilst these comments are noted the proposal is at least some 400 metres from the nearest residential properties, businesses and schools, this is considered to be a relatively significant distance. The site is located to the south of a nature reserve however no conclusive evidence has been provided to show that the proposed mast would have an impact on the wildlife within the nature reserve or within the surrounding area. Taking into account the above assessment the proposed location is considered to be acceptable.

Supporting information included with the application demonstrates that consideration has been given to using existing and alternative sites, as encouraged by policy DP23 of the District Plan and paragraph 121 of the NPPF.

Given the location of the site in relation to other development within the surrounding area it is not considered to cause a cumulative impact with other development in the locality.

It is noted that the proposal would provide public benefits in respect of improving connectivity along the Brighton mainline and it would provide improved mobile coverage within the local area. It should also be noted that Paragraph 119 of the NPPF in part states that '*Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.*'. Representation letters have been received which object to the proposal as it would not provide a benefit however taking into account the above the proposal is considered to be provide a benefit.

Other Matters

Several objection letters have been received in respect of the application and whilst a number of the issues raised have been addressed above, it is considered important to address the remaining issues. It should be noted that due to the type of application the only issues that can be taken into consideration in the determination of the application are the siting and appearance of the development.

Firstly, comments have been received which raise objection to the proposal in part due to the potential health risks to residents and whilst these concerns are noted, paragraph 122 of the NPPF requires these types of development be accompanied by a statement that self-certifies that, when operational, International Commission guidelines will be met. Paragraph 123 (NPPF) states that LPAs should not seek to set health safeguards different from the International Commission guidelines for public exposure. A Declaration of Conformity Public RF Exposure Guidelines formerly known as an ICNIRP (health) compliance certificate, is included with the application ensuring compliance with paragraph 122 of the NPPF. The information that has been received in relation to the health impacts of the proposal is noted however this information is not considered to represent conclusive evidence that the proposal would have adverse effects on health, including to pacemakers and similar devices. As such the proposal is considered to be acceptable in this regard.

Furthermore, comments have been received which state that the proposed mast is unnecessary, is a speculative application, with no end users, and that it could be obsolete in the future. These comments are noted however paragraph 123 of the NPPF states that Local Planning Authorities should not '*question the need for an electronic communications system*'. Therefore, the application cannot be refused on the above grounds.

The impact of the proposal on property values and the enabling of mass surveillance are not considered to be material planning considerations. Whether the Council are liable for future litigation or not is not considered to be a material planning consideration.

They also object to the proposed impact on existing properties specifically to the noise and light pollution, overbearing impact and loss of light. The proposal is set some 400 metres away from the nearest residential property and there is a some 13.0-metre-high tree line surround the site, as such the proposal is considered to have an acceptable impact on the existing residential properties in relation to the above issues.

The proposal is not located near Ancient Woodland with the nearest located some 540 metres to the west of the site. The Council's Tree Officer has raised no objection to the proposal. The site is not located within an Area of Outstanding Natural Beauty and the boundary of the South Down National Park is located some 1030 metres to the east of the site. As set out in the above assessment the proposed siting of the mast and compound is considered to be acceptable in terms of its impact on landscape, views and character of the area.

The application was advertised in accordance with MSDC policy and the Town and Country Planning Development Management Procedure England Order 2015. Representation letters have also raised concerns over the quality of the application documents that have been submitted however they are considered to be accurate and comply with the relevant legislation. Due to the nature of the application, it is not subject to BNG requirements. No definitive evidence has been provided to show that the applicants have not complied with the Code of Practice. The application is not of a scale or within an area that would require the submission of an Environmental Impact Assessment.

The nature of the application requires the LPA assess the siting and appearance of the proposal as such its impact on sustainability, impact on traffic, climate change and whether it would lead to anti-social behaviour is not considered to be relevant.

CONCLUSION

It is considered that there are clear benefits from the proposal in relation to improved telecommunications infrastructure within the District. These are matters that weigh in favour of the application when considered the siting and design of the proposal. It is noted that the proposal will have an impact on the character of the area however it is considered that due to its location it would maintain the quality of the rural and landscape character of the District and be supported by policy DP23 of the Mid Sussex District Plan. It is further considered that the site's selection and equipment specification have been sufficiently justified through the application documentation. Taking into account the above assessment, the proposal is considered to comply with the above parts of policies DP12 and DP23 of the Mid Sussex District Plan, the Hassocks Neighbourhood Plan and the relevant provisions of the NPPF. Prior approval of the appearance and siting of the development can therefore be granted in accordance with Part 16 (Communications), Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Decision: Prior Approval is Granted

Case Officer: Hamish Evans