

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0920	Case Officer:	Stefan Galyas
Application Type:	Agricultural Prior Not. - Excav/Waste		
Proposal:	Engineering works to create a water storage lake for the purpose of water resilience to support the agricultural enterprise.		
Site:	Land Parcel East Of Crawley Lane, Crawley Lane, Balcombe, West Sussex, , ,		
Validation Date	13 Apr 2026	Overall Expiry Date:	21 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval Is Not Required	Recommendation Date:	6 May 2026
Target Date:	11 May 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	7 May 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0920

**Land Parcel East Of Crawley Lane, Crawley Lane, Balcombe, West Sussex, , ,
Engineering works to create a water storage lake for the purpose of water resilience to support
the agricultural enterprise.
Mr Dutton**

SUMMARY OF REPRESENTATIONS

There were no formal letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

MSDC Contaminated Land Officer: *'The site is agricultural land with no records of former industrial or commercial uses. The only identified potential issue is a historic infilled hole shown on mapping post 1874, with the nature and quality of the infill unknown. This represents a limited and localised potential source of contamination.'*

The proposal involves excavation works to create a water storage lake, with the stored water intended for livestock use. Livestock are a sensitive receptor and, as such, there is potential for risk should contaminated materials be encountered during construction.

On the basis a precautionary, approach is therefore considered appropriate. No objection is raised on contaminated land grounds provided a discovery condition is attached to ensure that any previously unidentified contamination encountered during construction is dealt with appropriately.'

INTRODUCTION

The application is to determine if prior approval is required for engineering works to create a water storage lake for the purpose of water resilience.

RELEVANT PLANNING HISTORY

DM/17/2361 - Retrospective - Erection of an agricultural barn and hardcore access track together with accompanying hard standing. Refusal 02.08.2017.

DM/18/1581 - Full planning permission for the erection of a 366sq.m. GFA agricultural building, associated hardstanding and retention and alterations to an access track. Withdrawn 17.12.2018.

DM/18/4725 - Full planning permission for the erection of a 366sqm GFA agricultural building, associated hardstanding, along with retrospective permission for partial removal and alterations to an access track. Permission 29.03.2018.

SITE AND SURROUNDINGS

The land subject to the current application is set to the eastern side of Crawley Lane and is associated with the farming unit at Lodgelands Farm. The land is set within an area of a predominantly verdant rural character. There is mature woodland out to the east of the site and further open fields to the north and south of the site. The farmland managed by the Applicant at Lodgelands Farm consists of land totalling to 182 hectares.

The site is located outside of any built up area boundary and is set within the High Weald Area of Outstanding Natural Beauty (National Landscapes).

APPLICATION DETAILS

The proposed development would consist of a water storage lake which would measure at approximately 3,500m³ in capacity. The lake would not be bounded by engineered edges, raised bunds and would utilise the existing terrain.

POLICY CONTEXT

The proposal will be assessed against the relevant criteria of Class A, Part 6, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

Class A - Agricultural Development on Units of 5 Hectares or More Permitted Development

'A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—

- (a) works for the erection, extension or alteration of a building; or*
 - (b) any excavation or engineering operations,*
- which are reasonably necessary for the purposes of agriculture within that unit.*

Development not permitted

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

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;*
- (b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;*
- (c) it would consist of, or include, the erection, extension or alteration of a dwelling;*
- (d) it would involve the provision of a building, structure or works not designed for agricultural purposes;*
- (e) the ground area which would be covered by—*
 - (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000 square metres; or*
 - (ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres, calculated as described in paragraph D.1(2)(a) of this Part;*
- (f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;*
- (g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;*
- (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;*
- (i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;*
- (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; ...*
- (k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—*
 - (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or*
 - (ii) is or would be within 400 metres of the curtilage of a protected building; or*
- (l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.*

Conditions

A.2—(1) Development is permitted by Class A subject to the following conditions—

(a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine;

(b) where the development involves—

(i) the extraction of any mineral from the land (including removal from any disused railway embankment); or

(ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit;

(c) waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.

(2) Subject to sub-paragraph (3), development consisting of—

(a) the erection, extension or alteration of a building;

(b) the formation or alteration of a private way;

(c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or

(d) the placing or assembly of a tank in any waters, is permitted by Class A subject to the following conditions—

(i) the developer must, before beginning the development, 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, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

(ii) the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

(iii) the development must not begin before the occurrence of one of the following—

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application under sub-paragraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(iv) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—

(aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and

(bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

(v) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application; and

(vi) the development must be carried out—

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).

(3) The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).

(5) Where development consists of works for the erection, significant extension or significant alteration of a building and—

(a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and

(b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased,

then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

(6) Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

(7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.'

ASSESSMENT

It has been detailed within the document titled 'Decision Assessment' that the dairy enterprise includes 350 cows and 200 young stock over a 182 hectare area. It is claimed that a minimum of 33,000 litres of water each day is required but would be more should production levels increase. A further supporting letter from a livestock specialist has confirmed their support of these assertions. Whilst the 3,500m³ would be a large area of water storage, it is intended that this is used to maintain an uninterrupted supply as the site has experienced interruptions to the South East Water mains as recent as May 2025. In light of this, it is considered that the agricultural justification for the water store lake is considered to be sufficient.

Furthermore, condition A2(c) states:

'waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.'

The submitted Decision Assessment states that any soils introduced to achieve the required engineering specification will be managed under a Materials Management Plan prepared in accordance with the CL:AIRE definition of waste. The CL:AIRE initiative is a scheme that has been adopted by the Environment Agency and local authorities to allow suitable soil to be imported onto sites for use with engineering works, without the material being classified as waste. If other materials are imported for the above use and they do not comply with the CL:AIRE protocol then it may be considered a waste operation which would be a matter for WSCC as the Mineral and Waste Authority.

The application site is not located within 3k of an aerodrome and no part of the development would exceed 3m in height, therefore the proposal would accord with A.1(f). The proposal would not exceed 12m in height and would comply with the provisions of A.1(g).

Condition A.2(i) requires an assessment of the:

'siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be'.

The siting of the lake would be in a natural point within the field and would be influenced by the topography of the site. The proposal would be cut into the slope and would not propose any further engineered bunds or edges. Although there would be some public views into the site from the roadside to the west, it is considered that this would be from a distance and that mature boundary planting would help screen this.

The recommended condition from the Land Contamination Officer is noted however given the nature of the application a condition is not able to be imposed. An informative can be imposed instead.

Taking into account the above the proposal is considered to comply with Class A of Part 6 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

CONCLUSION

It has been satisfactorily demonstrated that the proposal is reasonably necessary for the purposes of agricultural and complies with the requirements of Part 6, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore the siting is appropriate and considered acceptable.

It is therefore considered that the proposal is permitted development under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Prior approval is not required and the development can therefore proceed in accordance with the submitted details.

Decision: Prior Approval Is Not Required

Case Officer: Stefan Galyas