

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1187	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Replacement of the existing refrigeration system with new plant and associated works.		
Site:	Millennium Seed Bank, Wakehurst Place, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TN,		
Validation Date	12 May 2026	Overall Expiry Date:	4 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 Jul 2026
Target Date:	7 Jul 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 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1187

Millennium Seed Bank, Wakehurst Place, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TN

**Replacement of the existing refrigeration system with new plant and associated works.
Board Of Trustees Of The Royal Botanic Gardens, Kew**

SUMMARY OF REPRESENTATION

None received

SUMMARY OF CONSULTEEES

Flood Risk and Drainage Team - No objection

Environmental Health - No objection

PARISH COUNCIL OBSERVATIONS

No comments received

INTRODUCTION

The application seeks planning permission for the replacement of the existing refrigeration system with new plant and associated works.

RELEVANT PLANNING HISTORY

DM/23/2895 - Installation of solar PV equipment on the roof. Granted

11/01339/FUL - The installation of 588 solar PV modules onto several roofs of the building. Granted

AR/021/96 - THE MILLENNIUM SEED BANK - A BUILDING FOR SEED CONSERVATION AND RESEARCH, INCLUDING ACADEMIC AND PUBLIC VIEWING FACILITIES AND RELATED LANDSCAPING. Granted

SITE AND SURROUNDINGS

The application site is located off the western side of Selsfield Road. The site is located within the countryside and the High Weald Area of Outstanding Natural Beauty.

The site is located to the rear of the Millennium Seed Bank and to the north of Wakehurst Place, which includes a back of house operation, staff buildings, polytunnels and machinery stores with the Manor House (Grade I), Stables Restaurant (Grade II*) and registered park and garden (Grade II*) further to the south. The application site is separated from Wakehurst Place by an access road which continues to residential properties to the west and includes a public footpath.

The wider area is characterised by largely areas of woodland and fields with residential properties positioned sporadically along the highway. The properties are generally positioned close to the highway and contribute to the character of the area and the streetscene.

The application site includes an area to the rear of the Millennium Seed Bank which is laid with wildflower seed with perimeter hedging and trees which obscures the area from surrounding views.

APPLICATION DETAILS

The proposed plant enclosure would be located within the south-western corner of the site with a width and depth of 7 metres and 10 metres and would consist of a 3 metre high acoustic screening with hit and miss fencing. The enclosure would include refrigeration units with underground pipework and cabling to the Seed Bank.

The existing cooler units on the roof of the building would be removed.

From the site visit for the application the ground works have already taken place.

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) And 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 Allocation Development Plan Document (DPD) and Ardingly 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 the Countryside
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP26 - Character and Design
- DP29 - Noise, Air and Light Pollution
- DP34 - Listed Buildings and Other Heritage Assets
- DP36 - Historic Parks and Gardens

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.

Ardingly Neighbourhood Plan (made March 2015)

Relevant policies:

ARD 9 - Heritage Assets

ARD 20 - Wakehurst Place and Millennium Seed Bank

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Mid Sussex District Plan 2021-2039 Consultation 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 hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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

DPN2 - Biodiversity Net Gain

DPN5 - Historic Parks and Gardens

DPN7 - Noise Impacts

DPC1 - 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)

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

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

Other Planning Guidance

High Weald AONB Management Plan 2024-2029

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 on the Setting of Heritage Assets
- Impact on the High Weald AONB
- Impact on neighbour amenities
- Flood Risk and Drainage
- Biodiversity Net Gain

Principle of Development

As the site is within the countryside, the starting point for assessing the application is policy DP12.

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 ARD 20 of the Ardingly Neighbourhood Plan states:

'The Neighbourhood Plan will support development proposals which will enable Wakehurst Place and the Millennium Seed Bank to expand to meet new and changing needs as both a tourist destination and centre of research of international importance, provided that the design is sympathetic to the heritage assets and the important landscape setting.'

The proposal would replace the existing refrigeration which is located on the roof of the Seed Bank with a free standing system. The existing system has reached the end of its effective operational life span. The proposed system would allow the continued safe and reliable operation of the cold rooms within the Seed Bank and for future expansion.

The Millennium Seed Bank is part of global conservation initiative and a hub for research. The proposal would support the continued research and conservation at the property.

It is noted that the proposal would not be for the purposes of agricultural, however it would be required to be located in the countryside and is supported by policy ARD20 of the Neighbourhood Plan. It is therefore considered that the proposal would comply with policy DP12 of the Mid Sussex District Plan and policy ARD20 of the Ardingly Neighbourhood Plan, and is acceptable in principle.

Design and impact on the Setting of Heritage Assets

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.'*

Policies ARD9 and ARD20 of the Ardingly Neighbourhood Plan echoes the ethos of this policy.

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.'*

The proposal would be located to the rear of the Seed Bank in an area screened by mature trees and hedging which prevents views from the wider area. Due to this the site is considered to be visually

isolated from the heritage assets, which along with the back of house structures and buildings in between the application site and heritage assets, it is considered that the proposal is not within the setting of the heritage assets.

It is therefore considered that the proposal would not have an impact on the setting of the heritage assets and complies with policies DP34 and DP36 of the Mid Sussex District Plan and policies ARD9 and ARD20 of the Ardingly Neighbourhood Plan.

Impact on the 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.

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'

Given the design, form and scale of the proposal in relation to the surrounding properties and character of the locality it is considered that the proposal would not have an impact on the AONB and would conserve it.

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);'

Policy DP29 of the Mid Sussex District Plan, in terms of noise pollution states the following:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;
o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

o an assessment of the impact of noise generated by a proposed development; or
o an assessment of the effect of noise by an existing noise source upon a proposed development'

The closest residential properties consist of 1-4 Pondfield Cottages to the west of the site, with the closest of these properties some 65 metres from the proposal, with mature planting in between. To the south are Wakehurst Farm House, Garden Cottage and Garage Block Flats 1 and 2. These properties are separated from the application by the back of house area of Wakehurst with a separation distance of at least 100 metres from the closest neighbour.

The Council's Environmental Health Officer has been consulted on the application is satisfied with the proposed refrigeration unit is capable of achieving an acceptable noise impact and therefore no objection is raised.

It is considered that given the separation distances to neighbouring residential properties along with low level of noise generated by the proposal significant harm would not be caused by the proposal, and therefore complies with policies DP26 and DP29 of the Mid Sussex District Plan.

Flood Risk and Drainage

The Council's Flood Risk and Drainage Team have been consulted on the application and raise no objection to the proposal. The site lies with Flood Zone 1 and is at a very low risk of fluvial flooding. The risk of flooding from surface water varies over the site 'very low' to 'high', however, the built form of the is located outside of the Flood Zone 3b extent for surface water.

The proposal is therefore considered to comply with policy DP41 of the Mid Sussex District Plan.

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 is comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

CONCLUSION

In conclusion, the proposal is considered to be acceptable in principle, would not impact the setting of the heritage assets, conserve the landscape of the High Weald AONB, would not cause significant harm to the amenities of neighbouring properties and acceptable in terms of flood risk and drainage. Therefore, the proposal complies with Mid Sussex District Plan policies DP12, DP16, DP26, DP34, DP35, DP36 and DP41 policies ARD 9 and ARD 20 of the Ardingly Neighbourhood Plan and the relevant

provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Katherine Williams