

David Hall & Company
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**AGRICULTURAL BUILDING PLANNING
STATEMENT**

relating to:

**An application for a Lawful Development Certificate
(Proposed) Use**

For:

**Farm Abattoir And Animal Processing Facility Located
Within Existing Agricultural Building**

at:

**Naked Farm,
Warninglid,
West Sussex,
RH17 5TG.**

June 2026.

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1. Introduction.

1.1. David Hall & Company is instructed by Evergreen Rural, agents for DAAAG Farming LLP, to undertake an appraisal of the need for a building for use as a farm abattoir and animal processing facility within an existing building at Naked Farm, Warninglid. I am a consultant providing specialist rural and agricultural building advice to landowners, farmers and foresters.

1.2. I have over four decades of industry experience, having worked in advisory and practical capacities for private companies and local authorities. I qualified as a Chartered Surveyor (MRICS) and as a Fellow of the Central Association of Agricultural Valuers (FAAV).

1.3. I have visited the site, where the estate's agent outlined the owners' proposals and provided background information on this rural property.

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2. The Property.

2.1. Naked Farm, formerly known as Lydhurst Estate, comprises a large residential dwelling under construction, other outlying dwellings, buildings and agricultural land extending to approximately 293 acres (118.5 hectares). The land lies to the west of Warninglid village. The property is accessed through the main entrance off “The Street” to the main house and off “Warninglid Lane” to the estate buildings.

2.2. The land forming the estate is undulating and comprises the following:
Woodlands – 155.18 acres.

Pasture and arable land – 110.95 acres.

House, dwellings, buildings and access roads – 16.65 acres.

2.3. Naked Farm was purchased by the applicants in January 2025. The property is undergoing comprehensive repair work to the existing traditional estate buildings in addition to the construction of the new dwelling house. Woodlands and farmland are now managed by an estate team of workers and new agricultural enterprises are being introduced – please refer to the applicants original **Vision Paper**, published in November 2024.

2.4. As livestock are introduced and crops planted it is the applicant’s intention to sell food direct to local customers within a ten-mile radius in Mid-Sussex. Eggs, milk, meat, fruit and vegetables will be delivered direct from the farm on a daily basis. Please refer to Naked Farm’s website at <https://nakedfarm.co.uk/>

2.5. Although not designed to be a field scale assessment, the Provisional Agricultural Land Classification (1983) identifies the land as predominantly Grade 4. Grade 4 is described as agricultural land with limitations that restrict the range of crops or level of yields. It is mainly suited to grass with occasional arable crops. Like majority of Grade 4 land in Sussex the estate has large areas of woodland.

2.6. Livestock on Naked Farm to date include:

Poultry – Chickens approx. 400

Pigs – 12

Sheep – Approx 250 plus lambs at foot

Buffalo - 10

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2.7. A dairy herd is close to being introduced with a new milking parlour. Milk from the dairy herd will be converted in the creamery granted under the Permitted Development Notification **DM/26/0234**. Milk will be transferred to the creamery where it will be converted to butter, cheese and other dairy products.

3. Proposed Development.

3.1. This application is submitted under S.192 of The Town & Country Planning Act 1990 (as amended) for the installation of an abattoir and animal processing unit into the existing off-lying farm building at Barlands, Spronketts Lane, Warninglid.

3.2. As part of the application, I have been provided with the following drawings and plans:

Location Plan – drawing no. **8658/LP**.

Estate Plan – drawing no. **8658/EP**.

Existing Drawing of Building – drawing no. **8658/EX**.

Proposed Animal Process Facility in Building – drawing no. **8658/1**.

Manufacturer L & A Equipment Services Ltd – floor plan drawing **Es69**

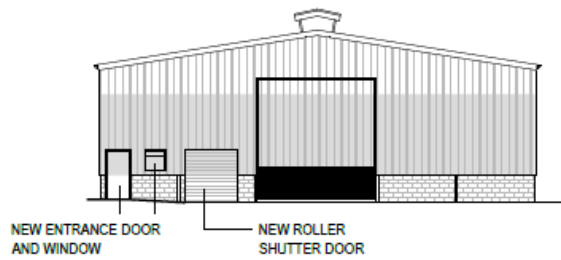
3.3. The building will not be altered in size. The size of the existing agricultural livestock building will remain as it is. Within part of the existing agricultural building a purpose-built new animal processing facility will be installed – **see drawing Es69**. The remaining larger part of the existing building will continue to be used for livestock housing.

3.4. The animal processing unit will be purpose built to fit within the existing building. The only external modifications will be alternative access points via roller shutter doors.

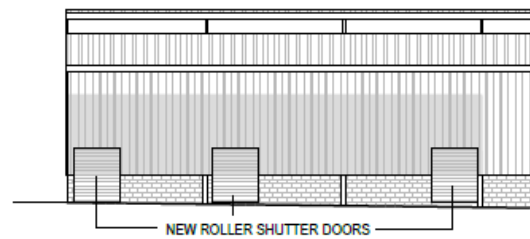
3.5. The farm abattoir will process animals bred and reared on Naked Farm. This operation is an agricultural activity ancillary to the agricultural use of the property.

3.6. Meat carcasses will be transported to the proposed Butchery to be installed within one of the existing estate buildings at Naked Farm.

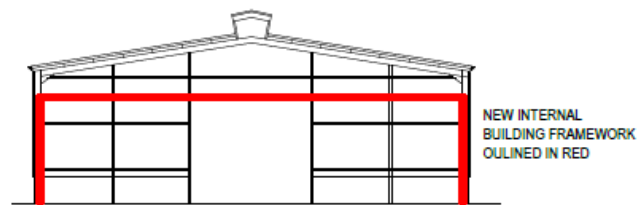
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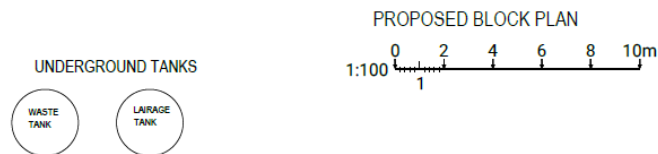
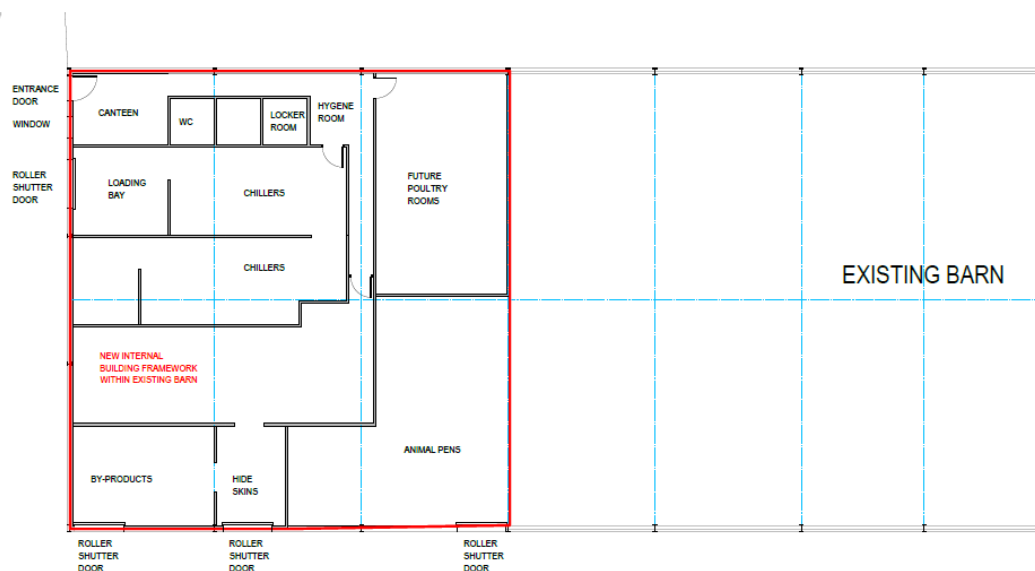
FRONT ELEVATION
(EAST)



SIDE ELEVATION
(NORTH)



SECTION



Proposed Layout Of Part Of Agricultural Building.

4. Planning Policy.

4.1. Legal Framework.

4.1.1. The key statutory framework to Lawful Development Certificate applications is contained in S.191-S.194 of the 1990 Act. S.192 provides so far as relevant:

- (1)** If any person wishes to ascertain whether –
 - (a) any proposed use of buildings or other land: or
 - (b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the Local Planning Authority specifying the land and describing the use or operations in question.
- (2)** If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect: and in any other case they shall refuse the application.

4.1.2. In determining an application for prospective development under the provisions of S.192 of the 1990 Act, it is for the applicant to provide such information as is necessary to demonstrate that, on the balance of probability, the proposed development would be lawful if instituted or begun at the time of the application.

4.1.3. Planning merits are not relevant and are not an issue for the Authority to consider in the context of an application for a lawful Development Certificate. The decision rests on the facts of the case, relevant planning law and judicial authority. The burden of proof rests with the applicant to show, on the balance of probabilities, that the proposed development applied for would be lawful at the date of the application.

4.2. Planning Law.

4.2.1. A use of land includes uses which are ordinarily incidental or ancillary to the primary use. There must be a relationship between the potential ancillary use and the primary use otherwise it may be considered that there are two separate and distinct uses occurring. The question then arises as to whether the proposed abattoir would be considered to fall within the definition of “Agriculture” or whether it would be considered incidental or ancillary to that

agricultural use. There has been caselaw considering the definition of “Agriculture” and uses ancillary and incidental to it. It has been considered that where land is used for activities in direct furtherance of an agricultural activity the use will be considered to fall within the definition of “Agriculture”.

4.2.2. In the case of *Williams v Minister for Housing and Local Government (1967) 18 PCR 514DC* the High Court confirmed that the use of land for agriculture necessarily included the selling of produce grown on the land, but that the selling of products grown elsewhere was not an agricultural use.

4.2.3. In a more recent judicial review, *Millington v Secretary of State for the Environment, Transport and the Regions (2000) JPL 297* the Court of Appeal had to decide whether the Secretary of State was right in considering an Enforcement Notice appeal, to proceed on the basis that where land is used for the creation of a new product (wine), from produce grown on the land (grapes), the land was therefore no longer being used for the purposes of agriculture and as such not exempt from planning control. The Court considered the Secretary of State had not been right. According to the Court, *“the proper approach to the root question in this case is to consider whether what the Millington’s were doing can, having regard to ordinary and reasonable practice, be regarded as ordinarily incidental to the growing of grapes for wine included in the general term agriculture, ancillary to normal farming activities, reasonably necessary to make the product marketable or disposable to profit or whether it had come to the stage where the operations cannot reasonably be said to be consequential on the agricultural operations of producing crops”*. Since the Secretary of State had not adopted that approach, the enforcement notice was remitted back to him to make a new decision in the light of the Court’s judgement.

4.2.4. In an American case *Modern Continental Construction Co. v Business Inspector of Natick 674 N.E 2d 247 (MASS.APP.Ct 1997)*, relating to an on-farm abattoir, it was considered *“reasonable to regard the slaughter of animals as a normal and customary part of preparing them for market. It then follows from the acceptably broad definitions of the word “agriculture” that a slaughterhouse used for the butchery of animals raised on the premises is primarily agricultural in purpose...”*

5. Agricultural Need.

5.1. The **Vision Paper** prepared by the owner of Naked Farm at the time of purchase outlines the future use of the property. The aim is to produce milk and dairy products, meat, vegetables and fruit, etc for direct sale to a maximum of five hundred customers. Naked Farm aspires to be the best in class at producing healthy, home-grown, produce with local traceability, accessing niche artisan markets using primary produce grown or reared at the farm.

5.2. Local traceability of meat as well as knowing that animals have not travelled great distances to be slaughtered is an important part of this ethos. The proposed animal processing unit will be used for those animals that have been reared and kept on Naked Farm. Meat will be butchered on-site in a new dedicated butchery.

6. Conclusion.

6.1. The main question for consideration in respect of this application is whether the proposed use of the existing building for an on-farm abattoir would amount to a material change of use requiring planning permission.

6.2. The subject building at Barland's is an existing livestock building, dating from the 1960's/70's. The agricultural building can continue to be used for livestock housing.

6.3. The proposed abattoir, to be installed into part of the existing building, will be used to process those animals reared and kept on the farm. In case law and planning law, it is considered that this would be ancillary to the main agricultural use of the property.

6.4. The abattoir is considered to be reasonably necessary to make the product marketable and is part of the ordinary business of rearing livestock to produce meat, for human consumption, from the agricultural holding at Naked Farm.

David Hall.
June 2026.