

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0780	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Proposed barn and aquaponic fish shed and greenhouse.		
Site:	Land At Bob Lane, Wineham Lane, Wineham, West Sussex, BN5 9AY, , ,		
Validation Date	25 Mar 2026	Overall Expiry Date:	2 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	8 Jun 2026
Target Date:	20 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>Steven King</i>	Date:	8 Jun 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0780

Land At Bob Lane, Wineham Lane, Wineham, West Sussex, BN5 9AY, ,
Proposed barn and aquaponic fish shed and greenhouse.
Asa Pryke

SUMMARY OF REPRESENTATIONS

There was one letter of representation received in response to the proposed development. It objected to the proposal for the following reasons:

- The proposed structure being of a dominating scale which would negatively impact the countryside.
- The building would be clearly visible from the roadside and would negatively impact local residents.
- There is neither a need for agriculture on site.
- The proposal producing light, sound and scent pollution.
- There not having been any notice served to the neighbouring properties.

SUMMARY OF CONSULTEES

Ecological Consultant: No objection.

West Sussex County Council Highways: *'In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.'*

Southern Water: *'Insufficient information provided. Construction of the development shall not commence until details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.'*

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: *'Twineham Parish Council wishes to object to this application. A similar application, DM/18/3776 was refused. The proposal is for a building which measures 36m x 16m, with no indication regarding the height. The site has Ancient Woodland to the east and the hedge to the north, bordering Bob Lane, is extremely thin, affording minimal screening. This will have an impact on the rural landscape character and will be a harmful intrusion of built form in the countryside, as indicated in the Refusal of DM/18/3779 (Delegated Report). The application indicates in the Planning, Design and Access Statement 3.2.1 that it is hoped to sell direct to customers. Would this require another building and how much traffic would this generate? Item 3.3.4 mentions 300 hens and item 4e.3 mentions 30 hens. This is confusing. Where will the hens be kept at night? Item 4b.1.1 mentions "mature hedgerows". These hedgerows are not mature and will not screen this very large building. We have concerns regarding light pollution. Although we are not absolutely sure of the facts, we believe there is a high voltage cable running under this land. For all the above reasons we request permission be refused.'*

INTRODUCTION

The application seeks planning permission for the development of a proposed building which would be used for barn storage, as a greenhouse and an aquaponic fish shed.

RELEVANT PLANNING HISTORY

DM/17/1795 - Bunding and Landscaping to Existing Field. Withdrawn 16.05.2017.

DM/18/3778 - Proposed barn and aquaponic fish sheds with greenhouse. Refusal 28.11.2018.

SITE AND SURROUNDINGS

The site is located on the corner of Bob and Wineham Lane and is laid down to rough pasture which appears to have followed previous cropping. The land is fenced and surrounded partly by mature hedgerows interspersed with deciduous trees. The site is accessed from Wineham Lane to the west.

The site is outside of any built-up area boundary, to the eastern end is an area of ancient woodland, to the north side of Bob Lane is the Bolney Substation and a caravan park exists on the opposite side of Wineham Lane. The area has a mixed character given the existence of the substation and caravan park but retains a rural, undeveloped character.

APPLICATION DETAILS

The proposal would erect a new building to be used as barn storage, as a greenhouse and for an aquaponic fish shed. The proposed building would measure at approximately 36m in length, 16m wide, 3.1m high to the highest point of the eaves and 4.9m high to the ridge. Proposed external materials would comprise timber and plastic to the external walls as well as metal and plastic to the roof.

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 Allocations Development Plan Document (DPD) and the Twineham 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

DP14: Sustainable Rural Development and the Rural Economy

DP21: Transport

DP26: Character and Design

DP37: Trees, Woodland and Hedgerows

DP38: Biodiversity

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.

Neighbourhood Plan

The Twineham Neighbourhood Plan (Made March 2016)

Relevant Policies:

TNP2: Design

TNP3: Employment and the Local Economy

TNP4: Landscape and Environment

Other Material Considerations

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 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

DPN4: Trees, Woodland and Hedgerows

DPB1 - Character and Design

DPC1 - Protection and Enhancement of the Countryside

DPT4 - Parking and Electric Vehicle Charging Infrastructure

DPE8: Sustainable Rural Development and the Rural Economy

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)

The National Planning Policy Framework (NPPF) 2024 is a material consideration.

Paragraphs 2, 8, 11, 12, 39, 48, 88, 89, 115-117, 131, 134, 135 & 139.

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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

ASSESSMENT

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

- Principle
- Impact on Character, Design and the Countryside
- Impact on Neighbouring Amenities
- Impact on Highways
- Impact on Ecology
- Other Matters
- Biodiversity Net Gain

Principle

The site is down to rough pasture which appears to have followed previous cropping. The land is fenced and surrounded partly by mature hedgerows interspersed with deciduous trees, the southern boundary is largely open, contained by post and rail fencing. At the time of the officer's site visit there were no agricultural livestock on the land nor signs that the ground had been planted with any new crop. It is located in the designated countryside outside any defined built-up area boundary. As such District Plan policy DP12 is relevant, which 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:

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.'

In terms of the principle of the new business use, District Plan policy DP14 (Sustainable rural development and the rural economy) is also relevant which states, in part, that:

'Provided it is not in conflict with Policy DP12: Protection and Enhancement of Countryside and DP13: Preventing Coalescence:

o new small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:

- o it supports sustainable growth and the vitality of the rural economy; and*
- o where possible, utilises previously developed sites.*

o diversification of activities on existing farm units will be permitted provided:

- o they are of a scale which is consistent to the location of the farm holding; and*
- o they would not prejudice the agricultural use of a unit.'*

In addition TNP3 meanwhile states:

'The following types of employment development in Twineham will be supported where it respects or enhances the local character of the built, natural, and historic environment of the parish, safeguards the amenities of adjoining properties and uses, does not create a severe impact on the local rural highway network, is not liable to flooding nor increases flooding elsewhere, and should not result in coalescence of existing settlements: TNP3.1 Diversification of established agricultural businesses and buildings where it complements the existing farming enterprise and is suitable and appropriate to the existing character of the parish TNP3.2 Live-work development in the Parish will be encouraged where suitable and appropriate to the rural setting of the parish.'

As established under the previous refusal on site (DM/18/3778) it was found that the aquaponics operation, although different to traditional agricultural activity undertaken on the site in the past, is classed as agriculture as defined at Section 336 of the Town and Country Planning Act 1990 as follows:

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;

The proposal would represent new development in the countryside, unrelated to any existing farming enterprise or agricultural business physically or operationally; it does not therefore represent farm diversification and in this regard it is noted that the applicants are also based in Colchester.

It is not clear why this particular site has been chosen, the nature of aquaponics is such that unlike traditional agriculture, it can also be undertaken in an urban location. As noted in policy DP12 above, it supports new small-scale economic development within the countryside provided it both supports sustainable growth and vitality of the rural economy and 'where possible, utilises previously developed sites'. The current application is an undeveloped greenfield site and the enterprise does not necessarily require such a location, as such full justification for the scale of the development should be provided and careful consideration of the impact of the proposed structures on the rural character of the area should be given.

The principle of an aquaponics use on agricultural land is acceptable, however any proposal is required to demonstrate matters relating to impact on the rural and landscape character, ecology, neighbouring amenity and highway impacts in order to demonstrate the scheme is acceptable overall and adequately meets the requirements of the Development Plan and relevant paragraphs in the NPPF.

Impact on Character, Design and the Countryside

The principal aim of Policy DP12 of the District Plan states: *'The countryside will be protected in recognition of its intrinsic character and beauty.'* The supporting text sets out the following: *'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.'*

One of the objectives of achieving sustainable development is to ensure that proposals '*contribute to protecting and enhancing our natural, built and historic environment*' (para 8, NPPF). In addition, the NPPF states that policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside (para 187).

Policy DP26 of the 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:

- o is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o 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.'*

Policy TNP2 of the Neighbourhood Plan relates to design and states that:

'All development should be of good design consisting of the best practice standards for well-designed new homes and neighbourhoods in force at the time, contemporary and innovative design is encouraged where appropriate. This means development should:

- o Include energy and water efficiency measures*
- o Use quality materials, these should be sustainably and locally sourced where feasible. Apply space standards taking into account the user, circulation space and the need for storage*
- o Contribute positively to the local character and rural setting*
- o Recognise that architectural integrity is of paramount importance and respond in a coherent way*
- o Not be dominated by parking and hard surfacing*
- o Utilise appropriate landscaping'*

Despite the principle of the use of agricultural land for an aquaponics function being acceptable, careful consideration should be given the impact of any proposed structures, especially where these do not relate to an existing farming enterprise and associated buildings and is instead in an isolated, undeveloped rural location. In addition, as noted above, aquaponics do not require a rural location and could be carried out in a variety of buildings and in urban locations.

The application site is currently an open field with no physical or commercial connection to an existing farming enterprise and the proposal is seeking to introduce a substantial building on site. The proposal would be of a larger footprint than any of the previously proposed buildings under the previous refusal and the total cumulative area from the previous application of circa 516m² would be below what is currently proposed, measuring at approximately 576m² in ground floor area.

Although the proposed building would have a lower single storey lean to greenhouse element, it is still considered that the barn and fish tanks area would be overall, two storey in size and scale, measuring at approximately 4.9m high to the ridge. Coupled with the overall footprint, it is considered that the size, scale and massing would be of an industrial and utilitarian appearance within a verdant countryside location.

The proposed building would be sited circa 24m away from Wineham Lane to the west and 18m from Bob Lane to the north. It is stated within the submitted Planning, Design and Access Statement under paragraph 4b.1.1 that the mature hedgerow and trees nearby would limit the buildings impact on the landscape. Notwithstanding the existing boundary screening, Officers consider that due to the scale and design of the building, views would still be offered from the highway. The building would likely be more perceivable during the winter months while foliage is sparse. Moreover, the trees and hedges are not

subject to any particular designations and may suffer from dieback. Therefore, the trees and hedges removal could not be reasonably controlled.

The supporting Planning, Design and Access Statement seeks to provide further justification for the aquaponic fish shed, noting that two people will be employed by the aquaponic business. It notes that the land is currently underutilised and provides a business plan. It notes that fish processing, plant preparation and fish tanks will be housed within the barn area. However, it is not clear from this information why the building would be required to be such a large footprint and height. The scale of the building is therefore considered to be overlarge provided the small scale of the proposed operation.

Under paragraph 3.1.7 of the aforementioned Statement, it notes that there is an opportunity to utilise the remaining land on site as a 'forest garden', thus allowing for vegetables to be grown on site. However, provided that the proposed building would be of an overall larger footprint than the previous proposal, there would be less usable space, particularly with the newly proposed parking and access arrangements which would include further hardstanding.

In light of the above, it is considered that the Applicant has failed to demonstrate that the proposed scale and size of the building is necessary for the proposed use. The proposed barn is considered to be overlarge and of an overall greater footprint than the previously refused scheme on site. The proposal would therefore constitute a harmful intrusion of built form in the countryside and fails to maintain or enhance the intrinsic beauty of its surroundings. Accordingly, the proposed development is considered to be contrary to policies DP12 and DP26 of the District Plan and policies TP2 and TNP3 of the Twineham Neighbourhood Plan.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part 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 DP29);'*

Policy DP29 then relates to noise, air and light pollution:

'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;*

Light pollution:

- o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

Air Pollution:

- o It does not cause unacceptable levels of air pollution;*

o Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;
o Development proposals (where appropriate) are consistent with Air Quality Management Plans. The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

Opposite the site to the west is a caravan park, which represents the closest neighbouring residential development. The proposed use of the site would be of a greater intensity than its current and historical use. However, on considering the scale of the growing space, size of the fish tanks and number of staff proposed to be employed, along with the separation distances to the caravan park and the existence of the roadway between the two, it is unlikely that the level of activity generated by the development would give rise to harming neighbouring amenity through noise and disturbance to a degree that could warrant refusal of planning permission. If the application were considered acceptable a condition to control hours of use could be used to ensure protection of neighbouring amenity.

Accordingly, the proposal is considered to comply with the provisions of policies DP26 and DP29 of the Mid Sussex District Plan in terms of neighbouring amenities.

Impact on Highways

Paragraph 115 of the NPPF states that applications should ensure that sustainable transport modes are prioritised and utilise safe and suitable access to the site amongst other matters. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. Additionally, Policy DP21 of the District Plan requires development proposals to protect the safety of road users and pedestrians.

The proposal would be served by an existing established access leading off from the highway verge and provide an area for off road vehicle parking to the west of the proposed building. The section of the road to which the access adjoins is subject to a 60mph speed limit.

The Local Highway Authority have been consulted and the following comments were received:

'The proposals appear not too dissimilar from that of the previously refused application at this site. However, more detailed information in regards to the proposed commercial operations and site layout have been submitted to the support this application.'

The proposed development will sell produce directly to retailers/wholesalers. The submitted Planning Statement suggests that the proposed use could generate 40-50 movements per week, in the form of staff trips and deliveries - this would not be considered a significant material increase of movements on the local highway network.

The existing vehicle access is to be utilised for this development. I have reviewed local mapping, and the achievable visibility appears suitable for the anticipated road speeds in this location. In addition, I have reviewed five-year collision data, which reveals no recorded collisions attributed to the use of the existing access within the vicinity of the site. Therefore, there is no evidence to suggest the existing access has been operating unsafely, or that the proposals would exacerbate an existing safety concern.

The plans demonstrate a vehicle parking area, which appears suitably sized to accommodate an appropriate amount of parking to serve the needs of the site (based on the anticipated staff numbers), with room for on-site turning to be achievable.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.'

It is noted that the previous refusal cited the lack of highways information as a reason for refusal and that the Local Highway Authority had previously objected. Nevertheless, as noted within the Local Highway Authority response above, the further information submitted by the Applicant is considered to overcome this objection. It is therefore not considered to be reasonable to resist the proposed development on highways grounds.

Accordingly, the proposal is considered to comply with the provisions of policy DP21 of the District Plan.

Impact on Ecology

Policy DP38 of the District Plan seeks to protect and enhance biodiversity by ensuring that development: *'Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
o Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and
o Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
o Promotes the restoration, management and expansion of priority habitats in the District; and
o Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.'

A Preliminary Ecological Appraisal and Precautionary Method Statement have been submitted in support of the application which confirms that there are no structures or trees that would require a further bat survey. This was agreed with by the Council's Ecology Consultant. Compliance with the Preliminary Ecological Appraisal was recommended by the Ecology Consultant through a condition should permission be granted.

Other Matters

It is noted that Southern Water commented in response to the proposed development that the application was supported by insufficient information with regard to foul drainage disposal. It is considered that such details could be covered under a pre-commencement condition should planning permission be granted. Southern Water's GIS mapping shows that a foul sewage water drain exists along the road to the west and no further capacity issues have been raised within Southern Water's response.

Queries from the Parish Council have been raised within their consultation response regarding the commercial side of the operations. The proposal would be for an agricultural building and would not be permitted to be used indefinitely as a commercial Class E use.

Further concerns were raised about the keeping of the hens, however it is not considered that the application could be resisted on the basis of this lack of information. Light pollution was also raised as an issue and whilst CPRE shows the locality as having a low amount of light pollution, the site is not subject to a dark skies designation. It is considered that the proposed building would have a low amount of openings and would not feature any rooflights.

Whilst it is noted that concern has been raised in relation to a high voltage cable running under the land, this matter could be considered at the building regulations stage should permission be granted.

Further concerns have been raised from local residents with regard to the neighbour notification process. The application site is considered to be set at a substantial distance from the nearest residential properties and in any circumstance, a site notice was displayed for the application.

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 deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10 per cent increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless -

- (a) A biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*
- (b) The planning authority has approved the plan (see paragraph 15)'*

The application form confirms that BNG is required for the proposed development.

Following consultation with the Council's Ecology Consultant, it was commented that the proposed post intervention values were satisfactory and that a habitat management and monitoring plan was not required for the biodiversity gain plan.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Twineham Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposed development is not considered to be acceptable to the scale of operations on site and the building is considered to be an overlarge intrusion of built form in the countryside. Insufficient justification for the proposed scale has been provided to show that the proposed size scale and massing is necessary in connection with the proposed use. The proposal fails to maintain or enhance the intrinsic beauty of the countryside and is contrary to Policies DP12 and DP26 of the Mid Sussex District Plan, Policies TNP2 and TNP3 of the Twineham Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Refusal

Case Officer: Stefan Galyas