

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2530	Case Officer:	Andrew Horrell
Application Type:	Full Application		
Proposal:	Construction of 2 new single span polytunnels,		
Site:	Orchard Nursery, Holtye Road, East Grinstead, West Sussex, RH19 3PP, , ,		
Validation Date	11 Nov 2025	Overall Expiry Date:	12 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	22 Dec 2025
Target Date:	6 Jan 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	23 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2530

**Orchard Nursery, Holtye Road, East Grinstead, West Sussex, RH19 3PP, ,
Construction of 2 new single span polytunnels,
Mr Jonathan Bradford**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

Place Services Ecology: No objection subject to BNG condition.

TOWN COUNCIL OBSERVATIONS

No comment

INTRODUCTION

Permission is sought for two new single span polytunnels.

RELEVANT PLANNING HISTORY

01/00040/FUL - Twin span polytunnels for growing plants for sale on site (approved)

DM/15/3914 - Replacement of existing dilapidated T shaped glasshouse with straight single roof slope glasshouse. (approved)

DM/18/4572 - Proposed construction of an additional multi span tunnel to enable increased production of plants. (approved)

SITE AND SURROUNDINGS

The site is an existing family run garden centre with various buildings including two multi-span polytunnels set to the east of the existing public area. These are used for the growing and propagation of plants prior to their sale. These poly tunnels are not open to the public.

In terms of planning policy, the site lies outside of the built-up area and within countryside and the High Weald Area of Outstanding Natural Beauty, as defined by the Mid Sussex District Plan and the East Grinstead Neighbourhood Plan.

APPLICATION DETAILS

The two proposed polytunnels each measure 25.05m in depth, 5.5m in width with a height of 3.3m.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document and the East Grinstead 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
DP16: High Weald Area of Outstanding Natural Beauty
DP26: Character and Design
DP38: Biodiversity

Site Allocations Development Plan Document

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

There are no relevant policies.

East Grinstead Neighbourhood Plan

Mid Sussex District Council formally 'made' the East Grinstead Neighbourhood Plan part of the Local Development Plan for the Parish of East Grinstead as of 3 November 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within East Grinstead.

Relevant policies:

EG1: Protection of the High Weald AONB
EG2: Areas of Countryside Development Constraint
EG3: Promoting Good Design

Other Legislation

High Weald AONB Management Plan 2024-2029

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 stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the majority of Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPN1: Biodiversity, Geodiversity and Nature Recovery
DPC1: Protection and Enhancement of the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPB1: Character and Design

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) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 131 and 135 (design), 189 (National Parks and National Landscapes) and 193 (biodiversity and ancient woodland) are considered to be relevant to this application.

ASSESSMENT

Principle of development

Policy DP1 of the District Plan relates to Sustainable Economic Development. In part the policy seeks to *"Supporting existing businesses, and allowing them room to expand;"*.

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

'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.'*

In addition, policy EG2 of the Neighbourhood Plan requires *"the sympathetic conversion of redundant rural buildings, limited small-scale new development and extensions to existing buildings within the Countryside Areas of Development Constraint"* provided they comply with a number of criteria. Whilst the proposal is considered to represent a 'limited small-scale new development' it does not strictly accord with above policy as it is not one of the identified exceptions listed.

Notwithstanding this, it is considered that the structure would be sensitive in design to reflect the existing polytunnels adjacent to the application site and would be seen in association with the other structures within the Nursery site.

Para 88 of the NPPF relates to supporting a prosperous rural economy. Subsection (b) states planning policies and decisions should enable: *"the development and diversification of agricultural and other land-based rural businesses;"*.

It is considered that the proposal would allow a small family run garden centre to expand and produce additional plants for sale.

As such the principle of the polytunnel in association with the business is supported.

Therefore, the proposal is deemed to comply with DP1 and DP12 of the Mid Sussex District Plan and EG2 of the East Grinstead Neighbourhood Plan.

Design and visual impact on the character and appearance of the area

Policy DP26 of the Mid Sussex District Plan states (in part):

'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;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *positively addresses sustainability considerations in the layout and the building design;'*

Policy EG3 of the Neighbourhood Plan states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and antisocial behaviour; and*
- h) Proposals make provision for green infrastructure and biodiversity enhancement'.*

The polytunnels are to be set away from the public area and viewed in the context of the existing polytunnels of a similar design and scale. Whilst glimpses of the structure may be seen from within the garden centre, it would be seen in context with the existing structures. Due to its design and materials, it is considered that the design is sensitive to the existing polytunnels and proposed use.

The proposal is thereby considered to comply with policies DP12 and DP26 of the District Plan and policy EG3 of the Neighbourhood Plan.

Impact on the High Weald AONB

The site is located within the High Weald Area of Outstanding Natural Beauty.

The legal framework for AONBs (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act 2000 (CRoW Act) which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW Act 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.

Policy DP16 of the Mid Sussex District Plan 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 should not adversely affect the views into and out of the AONB by virtue of its location or design.'

A similar stance is held in Policy EG1 of the East Grinstead Neighbourhood Plan.

Paragraph 189 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, 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. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimize adverse impacts on the designated areas.'

Due to the scale, position and the design of the polytunnel it is considered that the proposal will conserve the landscape and scenic beauty and thereby be appropriate to this part of the Area of Outstanding Natural Beauty. The proposal is thereby considered to comply with policy DP16 of the District Plan and Policy EG1 of the Neighbourhood Plan.

Residential Amenities

Policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity whereas Policy DP26 of the Mid Sussex District Plan states that development should 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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. As such, Policy DP26 is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Given the nature of the proposal and its relationship with nearby residential properties in which it is noted that the nearest residential property is 'Pippins' which is set to the north-west of the proposal and is within the ownership of the applicant. It is considered that the proposal, having regard to its nature, size and scale, would not result in significant detriment to the amenities of surrounding properties.

The proposal is thereby considered to comply with Policy DP26 of the District Plan and EG3 of the East Grinstead Neighbourhood Plan in terms of neighbouring amenities.

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% 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)'.

A BNG report and biodiversity metric spreadsheet have been submitted with the application.

The BNG report states that the development has the potential to result in a net-increase of 1.068 hedgerow and habitat units (+21.09%).

This is to be achieved by the creation of a new improved grassland area on a patch of land that is currently spoil from previous development. The enhancement of an area of grassland that will be allowed to grow and develop as a wildflower meadow with just 1 cut a year at the correct time to allow the diverse range of plants to self-seed. Any cuttings will be left on the ground for a minimum of 2 weeks to allow the dispersal of seed and insects. The existing orchard will be enhanced with the planting of naturalising bulbs, to create a nectar rich environment for bees and other pollinating insects.

In line with the legislation on biodiversity net gain, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. This Plan is the mechanism to ensure that the biodiversity gain objective is met. This Plan is secured with the statutory condition attached to any relevant planning permission.

PLANNING BALANCE AND CONCLUSION

The proposed polytunnels are in-keeping with the character of the countryside area, while not causing harm to neighbouring amenity issues and the High Weald AONB and the BNG requirement will be dealt with via condition.

Consequently, the proposal is deemed to comply with policies DP12, DP16, DP26, and DP38 of the Mid Sussex District Plan, Policies EG1, EG2 and EG3 of the East Grinstead Neighbourhood Plan, The Design Guide SPD and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell