

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0006	Case Officer:	Jessica Szollosi
Application Type:	Full Application		
Proposal:	Retrospective planning application for ground mounted solar array supplying residential property.		
Site:	Five Oaks Lodge, Pomper Lane, Hurstpierpoint, Hassocks, West Sussex, BN6 9LJ, ,		
Validation Date	29 Jan 2026	Overall Expiry Date:	6 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	20 Mar 2026
Target Date:	26 Mar 2026	Recommending Officer Signature:	Jessica Szollosi

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	23 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0006

**Five Oaks Lodge, Pomper Lane, Hurstpierpoint, Hassocks, West Sussex, BN6 9LJ,
Retrospective planning application for ground mounted solar array supplying residential
property.
Mr John Houlton**

SUMMARY OF REPRESENTATIONS

No third-party letters of representation were received following advertisement of the planning application, however, two letters of support from neighbouring properties were submitted by the applicant in support of the planning application.

SUMMARY OF CONSULTEES

Nature Space

No objection.

PARISH COUNCIL OBSERVATIONS

Hurstpierpoint and Sayers Common Parish Council recommends approval

INTRODUCTION

This retrospective planning application is made pursuant to s.73a of the Town and Country Planning Act 1990 and seeks planning permission for a ground mounted solar array supplying the application property.

RELEVANT PLANNING HISTORY

DM/25/1945 - Prior approval for the change of use of an agricultural building to become a two bedroom residential unit - refused 25/09/2025

DM/15/1597 - Prior approval for determination as to whether prior approval is required for the change of use of an agricultural building to become 1 residential unit. This application does include building operations necessary to convert the buildings to residential use - granted 11/06/2015

SITE AND SURROUNDINGS

Five Oaks Lodge is located south of Pomper Lane and comprises a single storey residential dwellinghouse with screened walls, white uPVC fenestration and a plain tile roof. A traditional Dutch barn is located to the east of the dwelling and to the west beyond the dwelling's garden is a parcel of land which contains the remains of a nursery and sand school. The dwelling benefits from a large garden and beyond the garden to the south of the site is a paddock within which the south facing solar array has been installed.

Open green fields are located beyond Pomper Lane to the north of the site. Residential dwellings are located sporadically around the site and given the size of both the site and the neighbouring properties, there is a generous separation of distance between the proposal and the surrounding dwellings.

The area is characterised by mature hedgerow abutting the roadside, creating a verdant and rural character to the surrounding area.

The site is located outside any defined built up area boundary and is thus positioned within the open countryside; and consequently within an area of development restraint.

APPLICATION DETAILS

Retrospective planning permission is sought pursuant to s.73a of the Town and Country Planning Act 1990 for a ground mounted solar array supplying power to the residential dwelling.

The ground mounted solar photovoltaic (PV) array comprises 6 x 18 pieces of mono solar cell set within an anodized aluminium frame with 3.2mm anti-reflection, heat strengthened glass. The solar array is some 3 metres in width, 13.8 metres in length and 2.6 metres in height with an integrated 13.5kW intelligent battery and Electric Vehicle charger. The battery is located to the rear of the dwelling on the west elevation and the Electric Vehicle charger is located on the principle elevation, providing access from the driveway.

The solar array is set outside the residential curtilage of the property within a separate paddock southwest of the dwellinghouse. It is located behind a hedge and not visible from the street scene. A post and rail fence has been constructed around the solar array to protect it from grazing animals.

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, Site Allocations Development Plan Document (DPD) and Hurstpierpoint and Sayers Common 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, however, it 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
DP26 - Character and Design
DP38 - Protected Species
DP39 - Sustainable Design and Construction
DP40 - Renewable Energy Schemes

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

Hurstpierpoint and Sayers Common Neighbourhood Plan made in February 2015.

Hurst C1 - Conserving and Enhancing Character

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 the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the 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:

DPC1 - Protection and Enhancement of the Countryside
DPS3 - Renewable Energy and Low Carbon Energy Schemes
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) (December 2024)

The National Planning Policy Framework (NPPF) 2023 is also a material consideration and paragraphs 8, 9, 10, 11, 12, 39, 48, 88, 131 and 135 are considered to be relevant to this application.

ASSESSMENT

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

- Principle
- Design and character
- Neighbouring Amenities
- Biodiversity Net Gain

Principle

The application site is located within the countryside, as defined by the Mid Sussex District Plan. Policy DP12 states that:

'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'.*

Policy DP40 of the Mid Sussex District Plan relates to Renewable Energy Schemes:

'Proposals for new renewable and low carbon energy projects (other than wind energy development - see below), including community-led schemes, will be permitted provided that any adverse local impacts can be made acceptable, with particular regard to:

- o Landscape and visual impacts, including cumulative impacts, such as on the setting of the South Downs National Park and High Weald Area of Outstanding Natural Beauty, and the appearance of existing buildings;*
- o Ecology and biodiversity, including protected species, and designated and non-designated wildlife sites;*
- o Residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access*

Assessment of impacts will need to be based on the best available evidence, including landscape capacity studies.'

As the proposal provides a source of renewable energy, it is considered that the proposal would reduce the carbon emissions of the application property in accordance with Policy DP40 of the Mid Sussex District Plan which states that new development proposals for renewable energy and low carbon energy projects will be permitted provided that any adverse local impacts can be made acceptable. The proposal would not be considered to adversely impact the site and surrounding properties, thus it would be considered to accord with Policy DP12 of the Mid Sussex District Plan.

Design and impact on the character of the surrounding area

Policy DP26 of the Mid Sussex District Plan relates to Character and Design and 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 protects valued townscapes and the separate identity and character of towns and villages;*
- 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 (see Policy DP27);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed; o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development'.*

Policy DP39 of the Mid Sussex District Plan relating to Sustainable Design and Construction states:

'All development proposals must seek to improve the sustainability of development and should, where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- o Use renewable sources of energy.'*

Policy Hurst C1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan relates to Conserving and Enhancing Character:

'Development, including formal sports and recreation areas, will be permitted in the countryside, where:

- o It comprises an appropriate countryside use;*

o It maintains or where possible enhances the quality of the rural and landscape character of the Parish area'

It is considered that the proposal has been sited in a location which minimises the visual impact of the proposed development on the local landscape quality. The paddock within which the solar array has been installed has mature hedgerows and trees surrounding majority of the paddock boundary acting as a screen. Furthermore, the properties located sporadically around the development site are separated by a considerable distance, the closest of which is located some 90 metres from the proposed development, and therefore the proposal would not be considered easily visible. This scale and form of the proposed development would not be considered out of place in this rural location, nor would it impact the countryside's intrinsic character and beauty and therefore it complies with policy DP26 of the Mid Sussex District Plan and Policy Hurst C1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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 Policy DP29)'

A hedgerow is located directly north of the proposal and beyond that is a large area of land which contains remains of a sand school and nursery building. Further north is Pomper Lane and open fields beyond that.

To the east of the development is agricultural land and Penharbour, a residential dwelling, is located northeast of the proposed development, separated by a distance of approximately 95 metres. Given the separation of distance and the nature of the solar array, it is not considered that the proposal would be harmful to the privacy, outlook, daylight and sunlight amenity of this neighbour. In support of this application, the applicant submitted an email confirming this neighbour's support of the proposed development.

Northbrooks is a residential dwelling located to the southeast of the property, some 140 metres from the proposal behind mature trees and bushes. Given the separation of distance and screening, the solar array would not be considered harmful to the privacy, outlook, daylight and sunlight amenities of this neighbour.

Old Mill House is located south of the proposal, approximately 120 metres from the proposed development. A number of outbuildings are located north of this dwelling, some 95 metres from the solar array and are screened by a line of mature trees and bushes between these property boundaries. Given the separation of distance, screening and nature of the proposal would not be considered harmful to the amenities of this neighbour in respect of privacy, outlook, daylight and sunlight.

Hillhouse is located to the northeast of the site, some 110 metres from the proposed development. This residential property is situated behind mature trees and hedgerows screening the property from the solar array. Accordingly, this property would not be considered to experience any harm to amenity as a result of the proposed development in respect of privacy, outlook, daylight and sunlight.

Directly west of the proposal, Geniefa, a residential dwelling is located approximately 90 metres from the solar array and screened from the development by hedgerow running along the boundary of the application site. Given the above, the proposed development would not be considered harmful to the amenities of this neighbour in respect of privacy, outlook, daylight and sunlight. In support of this application, the applicant submitted an email from this neighbour confirming that they have no objection to the application given that the development is located behind a hedge and causes no eyesore or inconvenience.

Pine Cottage is located to the southwest of the site some 90 metres from the proposed development. This residential property is situated behind mature trees and hedgerows screening the property from the

development. Accordingly, this property would not be considered to experience any harm to amenity as a result of the proposal in respect of privacy, outlook, daylight and sunlight.

Due to the nature of the proposed development, it is not considered to cause any harmful impacts in terms of noise, air and light pollution.

It is therefore considered that the proposal would not cause harm to the amenities of the neighbouring properties. The proposal is therefore deemed to accord with the above part of policy DP26 of the District Plan.

Protected Species

The site lies within a red zone for the likely presence of Great Crested Newts. However, this proposal is not considered to be relevant to the District Licensing Scheme as it is unlikely to impact the great crested newts or their habitats, therefore, no mitigation or licence is required, as confirmed via email received from Nature Space. The proposed development is therefore compliant with policy DP38 of the 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 comprises development below the de-minimis threshold meaning that this proposal is exempt from providing biodiversity net gain.

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 Hurstpierpoint and Sayers Common 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 considered to be appropriate in terms of design, form and scale in relation to the locality. Furthermore, the proposal would not be considered to cause harm to the neighbouring amenity or character of the rural countryside setting within which it is located.

In conclusion, the proposal for the ground mounted solar array would accord with the requirements of policies DP12, DP26, DP39 and DP40 of the Mid Sussex District Plan, policy Hurst C1 of the Hurstpierpoint and Sayers Common Neighbourhood plan and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Jessica Szollosi