

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0274	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Proposed Winery Building for Existing Vineyard		
Site:	Bacons Farm, Sloop Lane, Scaynes Hill, Haywards Heath, West Sussex, RH17 7NP, ,		
Validation Date	4 Feb 2025	Overall Expiry Date:	3 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	9 May 2025
Target Date:	1 Apr 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	12 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0274

**Bacons Farm, Sloop Lane, Scaynes Hill, Haywards Heath, West Sussex, RH17 7NP,
Proposed Winery Building for Existing Vineyard
Mr Ruddock**

SUMMARY OF REPRESENTATION

None received

SUMMARY OF CONSULTEES

Ecologist - No objection, recommend condition

Nature Space - recommend informative

WSCC Lead Local Flood Authority - no objection subject to conditions

Environmental Health - recommend conditions and informative

PARISH COUNCIL OBSERVATIONS

We support this application to provide sustainable local employment and wine products. LPRC Neighbourhood Dark Skies Policy must be adhered to.

INTRODUCTION

The application seeks planning permission for the erection of a winery building for existing vineyard.

RELEVANT PLANNING HISTORY

DM/23/0743 - Proposed new 3 bay steel frame Agricultural storage building to support grazing land and vineyard. Granted

SITE AND SURROUNDINGS

The application site forms part of an existing field that adjacent to the western boundary of the residential property at Bacons Farm. A paddock area within the field is enclosed by post and wire fence and separated from the rest of the field with a field shelter. The field is accessed off the southern side of a private access which leads to Southern Water Waste Water Treatment Works, with fields to the south and west. Directly to the north of the access is the River Ouse with fields beyond. A track extends from the access to the existing barn within the south-eastern corner of the field which is used for storage to support land grazing and vineyard.

The site is located within the countryside and part of the site is within flood zones 2 and 3. An Article 4(2) Direction also covers the site.

APPLICATION DETAILS

The proposed building would be positioned to the west of the existing store building and orientated to face the existing building and onto the existing hardstanding. The building would have a width and depth of 30.480 metres and 13.671 metres, with a pitched roof with a pitched roof with an overall height and eaves height of 5.286 metres and 4.27 metres.

The building would be constructed in timber castle boarding and grey roof sheeting.

The proposed building would be used in association with the existing vineyard and would allow the pressing, fermenting, bottling and storage of the wine on site.

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, Lindfield and Lindfield Rural Neighbourhood Plan and Site Allocation DPD.

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:

- DP1 - Sustainable Economic Development
- DP12 - Protection and Enhancement of the Countryside
- DP14 - Sustainable Rural Development and the Rural Economy
- DP26 - Character and Design
- DP29 - Noise, Air and Light Pollution
- DP38 - Biodiversity
- DP41 - Flood Risk and Drainage

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.

Lindfield and Lindfield Rural Neighbourhood Plan (made March 2016)

No relevant policies

Other Legislation

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 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:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPS4 - Flood Risk and Drainage
DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN2 - Biodiversity Net Gain
DPN7 - Noise Impact
DPC1 - Protection and Enhancement of the Countryside
DPC4 - High Weald Area of Outstanding Natural Beauty
DPB1 - Character and Design
DPE1 - Sustainable Economic Development
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)

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.

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 Character
- Impact on neighbour amenities
- Flood Risk and Drainage
- Biodiversity
- Biodiversity Net Gain
- Other Matters

Principle of Development

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 in Mid Sussex consists of the Mid Sussex District Plan (2018), together with the Lindfield and Lindfield Rural Neighbourhood Plan and the Site Allocation DPD.

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.*

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.'

Policy DP14 relates to sustainable rural development and the rural economy and states:

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

- *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.*
- *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.*
- *the re-use and adaptation of rural buildings for business or tourism use in the countryside will be permitted provided:*
 - o *the building is of permanent construction and capable of re-use without substantial reconstruction or extensive alteration;*
 - o *the appearance and setting is not materially altered; and*
 - o *it is not a recently constructed agricultural building which has not been or has been little used for its original purpose.'*

Paragraph 88 of the NPPF states:

'Planning policies and decisions should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside;*
- and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

Bacons Farm consists of 24.7 hectares including 5.5 hectares of vineyard. This is anticipated to harvest 40 tonnes of grapes which would produce around 30,000 bottles of wine. The proposed barn would allow the grapes to be pressed fermented, bottled and stored on site, and negate the need for off-site contractors and the transportation of the grapes.

The proposal would therefore support the existing vineyard at the property and therefore there is an agricultural need for the building and would support the sustainable growth and vitality of the rural economy. It is therefore considered that the proposal would comply with policies DP12 and DP14, and acceptable in principle.

Design and Character

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.'*

The Mid Sussex Design Guide requires all development to be of a high standard of design.

The proposed building would be of a form, design and scale which is considered to be appropriate and in proportion with the proposed use, and the rural character of the locality. The building would have an appearance similar to the existing storage barn on the site, and although the proposal would be larger in form, it would be seen within the context of this building and its agricultural appearance. The proposal is therefore considered to be in keeping with the rural locality and landscape and complies with policy DP26 of the Mid Sussex District Plan.

Impact on neighbouring properties

DP26 states:

"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);"

Noise pollution:

- It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;
- 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:

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

...

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.'

The closest neighbouring residential property is of Ham House, which would be some 165 metres to the south-east of the property.

Environmental Health have been consulted on the application, and following the submission of further information regarding the hours of use and vehicle movements, raise no objection to the proposal and have requested conditions relating to construction and delivery hours.

Given the separation distances to residential properties and the existing agricultural use of the site it is considered that the proposal would not cause significant harm to the amenities of neighbouring properties.

Flood Risk and Drainage

Policy DP41 of the Mid Sussex District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

Part of the application site falls within flood zones 2 and 3 and areas of risk of flooding from river and adjacent to areas at risk of surface water flooding.

WSCC Lead Local Flood Authority have been consulted on the application and raise no objection to the proposal and recommend conditions. Therefore, the proposal is considered to comply with policy DP41 of the Mid Sussex District Plan.

Biodiversity

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring 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*
- 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

- Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- Promotes the restoration, management and expansion of priority habitats in the District; and*
- 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.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'

Paragraph 193 of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 67 and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

The Council's Ecologist has been consulted on the application and has provided the following amended comments following clarification of the nature of the existing trees on site:

'Place Services previously recommended a holding objection due to potential impacts upon roosting bats for this application. We have now reviewed the further email clarification which confirms that the proposed trees to be impacted contain negligible roosting potential for bats, as they are recently planted young trees. As a result, we are satisfied that this provides certainty of likely impacts upon this European Protected Species.

In addition, we have re-assessed the Statutory Biodiversity Metric (January 2025), Biodiversity Net Gain Assessment (JWK Wildlife Surveys, January 2024) and Condition Sheets, Figure 1 Baseline Habitat Plan (JWK Wildlife Surveys January 2025) and Post-Intervention Habitat Plan (JWK Wildlife Surveys, January 2025), relating to mandatory biodiversity net gains.

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We are still satisfied that the pre-development baseline is appropriate. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- Pre and post development habitat plans.*
- Legal agreement(s)*
- Biodiversity Gain Site Register reference numbers (if using off-site units).*
- Proof of purchase (if buying statutory biodiversity credits at a last resort).*

We are satisfied that the post-intervention values are realistic and deliverable and we are satisfied that the proposals do not contain significant on-site enhancements.

However, we note that the proposals include off-site enhancements. This will need to be registered with the biodiversity gain site register and will require a Habitat Management and Monitoring Plan (HMMP) and legal agreement to secure the enhancements for the 30-year period. As a result, the applicant is advised that it may be preferable to approach an off-site provider to meet the 10% biodiversity net gain requirement. This matter will need to be addressed as part of the biodiversity gain condition.

We also recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.'

Nature Space Partnership have been consulted on the application and considers that the proposal would present a low risk to great crested newts and their habitats. The site is within the red Impact Risk Zone and therefore an informative is recommended.

It is therefore considered that the proposal is acceptable on ecology terms subject to condition. It is therefore considered that this proposal would also comply with the aims of policy DP38 of the Mid Sussex Plan and the NPPF.

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).'

CONCLUSION

In conclusion, the proposal is considered to be acceptable in principle, appropriate in terms of design, size and scale to the rural locality, would not cause significant harm to the amenities of neighbouring properties and

acceptable in terms of flood risk and drainage and biodiversity. Therefore, the proposal complies with Mid Sussex District Plan policies DP12, DP14, DP26, DP29, DP38 and DP41, 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