

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0689	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Installation of mounted solar panels to both flat and pitched roofs to the main pavilion at Cuckfield Cricket Club		
Site:	Cuckfield Cricket Pavillion, Cuckfield Cricket Ground, South Street, Cuckfield, West Sussex, RH17 5AB, ,		
Validation Date	19 Mar 2025	Overall Expiry Date:	10 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	9 May 2025
Target Date:	14 May 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

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

MID SUSSEX DISTRICT COUNCIL

DM/25/0689

**Cuckfield Cricket Pavillion, Cuckfield Cricket Ground, South Street, Cuckfield, West Sussex, RH17 5AB,
Installation of mounted solar panels to both flat and pitched roofs to the main pavilion at
Cuckfield Cricket Club
Mr Raymond Barraclough**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None received.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

Planning permission is sought to install 45 mounted solar panels to both flat and pitched roofs of the cricket pavilion.

RELEVANT PLANNING HISTORY

CU/222/85- New cricket pavilion. Permission.

CU/032/89- Additional use of cricket pavilion for part time nursery school. Permission.

CU/049/89- To erect a shed for storage. Permission.

00/00461/FUL- Ground and first floor extension. Internal alterations. Loft conversion. Permission.

10/02917/FUL- Extension and refurbishment of Cuckfield Cricket Club Pavilion. Permission.

SITE AND SURROUNDINGS

The cricket pavilion is a detached one and a half storey building sited at the southern end of the cricket ground. The building is set close to the road, at an elevated level, and is constructed of red brick with white fenestration and a plain tile roof.

The application site is just north of the bypass roundabout on the west side of the A272 approach into Cuckfield. The site is located outside the built-up area of Cuckfield and is therefore with the countryside. It is also within the High Weald Area of Outstanding Natural Beauty (also known as the High Weald National Landscape).

APPLICATION DETAILS

Proposed plans show that an array of 45 mounted photovoltaic panels is proposed to be installed on the main cricket pavilion. The solar pv panels would be arranged in three separate groups. One group of 14 mounted solar panels would be installed on the western elevation, one group of 6 mounted solar panels would be installed on the southern elevation and one group of 25 mounted solar panels would be installed on the flat roof of the pavilion.

The panels will be orientated to face southwest and will be tiled at an angle of 10 degrees. The panels on the flat roof would measure a maximum of 31 cm from the roof plane. The panels will be sited on

mounts that measure 1.7 metres in length and some 1.1 metres in width. The mounts will utilise a ballast system. The solar pv panels will be black in colour.

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) Any 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 Cuckfield 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
- 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

Cuckfield Neighbourhood Plan made in 2014.

Relevant policies:

Policy CNP 1 - Design of New Development and Conservation

Policy CNP 5 - Protect and Enhance the Countryside

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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPS3 - Renewable and Low Carbon Energy Schemes

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) (December 2024)

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

National Design Guide/Code

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

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

- Design and Impact on Character of the Area
- Impact on the High Weald Area of Outstanding Natural Beauty
- Impact on amenity
- Sustainability
- Biodiversity Net Gain

Design and Impact on Character of the Area

The application site lies within the countryside. As such, policy DP12 of the District Plan is relevant, stating that the countryside will be protected in recognition of its intrinsic character and beauty.

Policy DP26 of the Mid Sussex District Plan relates to design and character 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 CNP 1 of the Cuckfield Neighbourhood Plan states that:

New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*

- i. height, scale, spacing, layout, orientation, design and materials of buildings,*
- ii. the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
- b) Is sympathetic to the setting of any heritage asset and*
- c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) Makes best use of the site to accommodate development.*

The proposed plans show that the solar panels would be installed on the southern and western elevations and on the flat roof of the cricket pavilion, which is located at the southern end of the cricket ground. The 6 panels proposed on the southern elevation would be some 10 metres from the road and would be partially screened by the application property itself. The 14 panels proposed on the western elevation would be angled away from the road and would therefore not appear prominent in public views of the road.

In view of the above, it is considered that the array, by reason of its size, scale and siting, would not be harmful to the appearance and character of the rural area.

The proposed solar array by virtue of its design, size, scale and siting would have limited visual impact within the locality, such that it should not appear visually obtrusive within the wider landscape. The landscape and scenic beauty of the High Weald AONB should therefore be conserved in accordance with aforementioned policies.

As such the proposal would comply with the requirements of Policy DP26 of the District Plan, and Policy CNP 1 of the Cuckfield Neighbourhood Plan.

Impact on 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 (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW 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.

DP16 of the Mid Sussex Plan relates to the High Weald Area of Outstanding Natural Beauty and states that:

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;

- o the identified landscape features or components of natural beauty and to their setting;*
- o the traditional interaction of people with nature, and appropriate land management;*
- o character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- o 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.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes 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.'

The application relates to the addition to the roof of an existing building. As such the proposal would not form an isolated development within the wider landscape. It is therefore not considered to have an adverse impact on the overall landscape quality of the AONB.

As such the proposal would comply with the requirements of Policy DP16 of the District Plan, The High Weald AONB Management Plan and paragraph 189 of the NPPF.

Impact on amenity

Impact on amenity Policy DP26 of the District Plan refers to amenity and states that development proposals 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'.

Taking into account the considerable distance of the solar panels from neighbouring properties, it is not considered that the development would be significantly harmful to neighbouring amenities in terms of affecting outlook, light levels or in terms of generating noise. The proposal therefore accords with policy DP26 of the District Plan.

Sustainability

Policy DP39 of the Mid Sussex District Plan relates to sustainable design and construction and encourages that development proposals use renewable sources of energy.

Policy DP40 relates to renewable energy schemes and states in part that:

'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.

Principle DG37 of the Mid Sussex Design Guide SPD also encourages the incorporation of renewable energy such as photovoltaics.

The proposal will significantly improve the sustainability of the cricket pavilion, reducing its environmental impact. The proposal therefore accords with policies DP39 and DP40 of the District Plan, and the Mid Sussex Design Guide SPD.

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 development 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 Cuckfield 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 deemed acceptable as it will improve the sustainability of the building and is appropriate in terms of design, scale and siting such that it should not detract from the appearance and character of the rural area. It would also conserve the wider landscape and scenic beauty of the High Weald AONB. The proposal therefore accords with policies DP12, DP16, DP26, and DP40 of the Mid Sussex District Plan, the High Weald AONB Management Plan, policies CNP1 and CNP5 of the Cuckfield Neighbourhood Plan and relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Catherine Cardin