

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2435	Case Officer:	Rachel Richardson
Application Type:	Full Application		
Proposal:	Construction and operation of a micro energy storage facility and associated works.		
Site:	The Aspen, Burrell Road, Haywards Heath, West Sussex, RH16 1AR, , ,		
Validation Date	6 Nov 2025	Overall Expiry Date:	1 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	24 Feb 2026
Target Date:	1 Jan 2026	Recommending Officer Signature:	<i>Rachel Richardson</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	26 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2435

**The Aspen, Burrell Road, Haywards Heath, West Sussex, RH16 1AR, ,
Construction and operation of a micro energy storage facility and associated works.
ZAKE Developments**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

Flood Risk and Drainage: No objection.

Environmental Protection: No objection and recommends a condition in relation to noise and impact on residential amenity.

WSCC Highway Authority: No transport grounds to resist the proposal.

WSCC Fire, Water and Access: No objection subject to recommendation of planning condition.

TOWN COUNCIL OBSERVATIONS

The Town Council **SUPPORTS** this proposal, in principle, providing Mid Sussex District Council's Environmental Health Officer is satisfied with noise reports, particularly with regards to potential noise impact on nearby properties in Turners Mill Road.

INTRODUCTION

Permission is sought for the construction and operation of a micro energy storage facility and associated works.

RELEVANT PLANNING HISTORY

None.

SITE AND SURROUNDINGS

The site is located to the northwestern side of The Aspen, which is a seven storey flatted development located on the corner of Turners Mill Road and Harlands Road. The proposed siting for the energy storage facility would be within the car park.

The site lies within the built-up area as defined within the District Plan.

APPLICATION DETAILS

The proposed development will consist of the:

- o Installation of a concrete plinth foundation;
- o Installation of the battery units and associated equipment; and
- o The construction of a perimeter fence.

The proposal comprises four battery units measuring 2.1m in height by 1.15m wide. They would stand adjacent to each other having an overall length of 4.6m. Each battery measures 0.57m deep. The

proposed batteries would sit onto of a concrete plinth measuring 0.25m above ground. These units would sit alongside an electrical cabinet measuring 2.4m above ground. Alongside the electrical cabinet will be a mesh fence gate access and mesh fencing to enclose the cabinets. The structure will sit parallel to Turners Mill Road.

The proposed development is for a 200kW Energy Storage System which provides a flexible and decentralised additional source of local grid capacity to address the growing need for flexibility as the UK's generation mix continues to diversify and rely on intermittent renewable energy generation.

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 Haywards Heath 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:

- DP21: Transport
- DP26: Character and Design
- DP29: Noise, Air and Light Pollution
- DP40: Renewable Energy Schemes
- 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.

Neighbourhood Plan

Haywards Heath Neighbourhood Plan (2014-2031) made on 15th December 2016.

Relevant policies:

Policy E9: Design

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:

DPS3: Renewable and Low Carbon Energy Schemes

DPS4: Flood Risk and Drainage

DPN7: Noise Impacts

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.

ASSESSMENT

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

Principle

Policy DP40 promotes new renewable and low carbon energy projects including community led schemes, and these will be permitted provided any local adverse impacts can be made acceptable, and in this case with particular regard to residential amenity including visual intrusion, air, dust noise, odour, traffic generation, recreation and access.

Chapter 14 of the National Planning Policy Framework (NPPF) requires the planning system to support the transition to a low carbon future. In determining planning applications, local planning authorities should give significant weight to the need to support renewable and low carbon energy and associated infrastructure.

Paragraph 168 of the NPPF sets out that Local Planning Authorities should... not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposals' contribution to a net zero future... and recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions.

The use of batteries to store energy for future / short term need is a step the Government is moving to and that the use of these batteries is in principle supported by both Local and National Policy. Given paragraph 168 of the NPPF, the applicant should not be required to demonstrate 'need' for renewable or low carbon energy.

The principle is therefore considered to be acceptable.

Design and Impact on character of the area

Policy DP26 states in part that applicants are required to demonstrate that development is of a high quality design and layout and includes appropriate landscaping, contributes positively to the public and private realm while addressing the character and scale of the surrounding buildings and landscape.

HHNP Policy E9 has a similar ethos. These policies are also reflected in the wording of chapter 12 of the NPPF to achieve well designed places to create better places in which to live and work.

The proposed battery unit enclosure would be sited next to an electricity substation and close to Turners Mill Road. It will benefit from some existing boundary vegetation which will help to partially screen the development in views of the street scene. The car park is also at a lower level than the proposed battery units and these would be hidden behind a fenced enclosure. As such, it is considered that the proposed energy storage system would not detract from the character and appearance of the locality in terms of its appearance.

On this issue, the proposed development would be compliant with policies DP26 and E9 and national guidance contained within the provisions of the NPPF.

Residential Amenity

In terms of the impact on neighbouring amenity, the test within policy DP26 of the District Plan is that development should not cause significant harm to the amenities of neighbours. Policy DP29 also refers to noise sensitive development and the need for it to be designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area.

HHNP policy E9 states in part that proposals should protect and reinforce the local character within the locality of the site and not result in unacceptable levels of noise pollution, inter alia.

The planning statement confirms that the noise associated with the proposed development will be minimal and is not expected to have any adverse effect on the surrounding area. The application is also accompanied by an acoustic report. The Councils Environmental Health Officer is satisfied that the proposed energy facility will not result in significant harm by reason of noise in terms of residential amenity. A condition is also recommended for any planning permission, to ensure that nearby habitable rooms will not exceed the low frequency levels of noise as presented in the DEFRA report.

Your Officer considers the above conclusions to be acceptable and this meets policy requirements.

Highways

Policy DP21 refers to Transport policy criteria and the need to provide a high quality transport network with access to services which is safe to use.

The Highway Authority at WSCC has confirmed that there are no transport grounds to resist this proposal and it would not result in an unacceptable impact on highway safety.

Your Officer accepts this. The proposed energy storage facility is not going to be sited within the public highway. It is on private land in a car park with an existing access. The LHA has noted that there may from time to time be requirements to maintain the equipment and parking to do this would be needed on street. However, it is considered that this would occur very infrequently which would not be detrimental to the amenity of the locality.

As such, the proposed development is considered to be acceptable in terms of transport issues and policy DP21.

Flood risk and Drainage

Policy DP41 seeks to reduce the risk of flooding to support sustainable communities which are safe, healthy and inclusive.

The planning statement confirms:

'The development will be located on a small landscaped area. Once constructed, the battery units will sit on a concrete plinth surrounded by permeable surfaces, allowing stormwater to discharge directly into the ground. Given the limited development footprint, the volume of runoff generated will be minimal and can easily be accommodated by the surrounding soils before infiltrating deeper into the subsurface or dispersing into local drainage networks. Consequently, the proposal is expected to have only very localised and negligible effects on runoff rates, and no additional drainage controls are considered necessary.'

MSDC Drainage engineers have commented that, *'The site lies within Flood Zone 1 and is therefore at very low risk of fluvial flooding. The Risk of Flooding from Surface Water mapping suggests the site is shown to be at very low surface water flood risk for the present day and with climate change.'*

'We have no objection to the proposed development on flood risk grounds.'

Given the above, the proposed development is considered acceptable in terms of DP41.

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 (under 25 sqm) 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 Haywards Heath 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.

Given the above, the proposed development for this micro energy storage facility is acceptable and complies with relevant policies in the District Plan and Haywards Heath Neighbourhood Plan and national policy in the NPPF. It is recommended that permission be granted.

Decision: Permission

Case Officer: Rachel Richardson