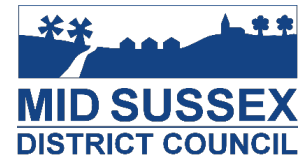


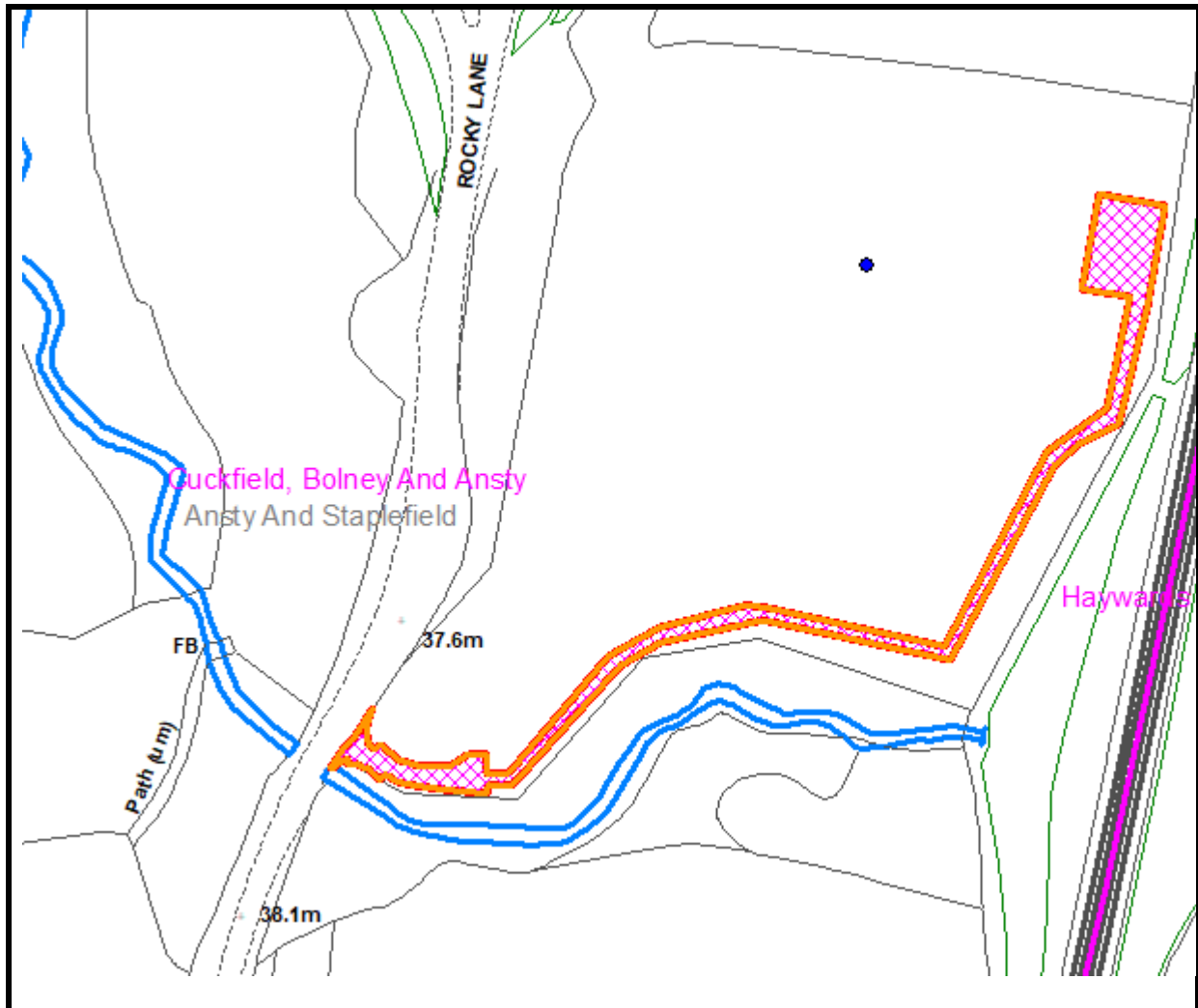
Planning Committee



Recommended for Permission

15th January 2026

DM/25/1495



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Site:	Land Adj. To Rocky Lane Haywards Heath West Sussex
Proposal:	The installation of a 22.5 metre lattice mast, mounted with 9No. antennas, 12No. cabinets, 1No. Electrical meter cabinet located within a compound comprised of 2.4 metre high chain-link fence topped with 3 strands of barbed wire and the creation of a new access from Rocky Lane and ancillary development thereto. (Additional Highways information received 08.07.2025 and additional ecology information received 10.11.2025)
Applicant:	Cellnex Connectivity Solutions Limited
Category:	Minor Other

Target Date:	16th January 2026
Parish:	Ansty And Staplefield
Ward Members:	Cllr Malcolm Avery / Cllr Jim Knight /
Case Officer:	Hamish Evans

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SXLIG4KT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 Planning permission is sought for the installation of a 22.5 metre lattice mast, mounted with 9No. antennas, 12No. cabinets, 1No. Electrical meter cabinet located within a compound comprised of 2.4 metre high chain-link fence topped with 3 strands of barbed wire, the creation of a new access from Rocky Lane and ancillary development thereto at land adjacent to Rocky Lane, Haywards Heath.
- 2.2 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.
- 2.3 The proposal represents the expansion of the electronic communications network and it provides clear benefits in relation to improved telecommunications infrastructure within the district. It is further considered that the site's selection and equipment specification have been sufficiently justified through the application documentation. The proposal is supported by policy DP23 of the Mid Sussex District Plan and paragraphs 122 and 123 of the NPPF.
- 2.4 Taking into account the design, location and scale of the development it is considered that the proposal would maintain the quality of the rural and landscape character of the countryside in this location and it would not cause significant harm to the amenities of existing residents, including taking account of the impact on outlook, daylight and sunlight, and noise, air and light pollution. The resulting access arrangements and the impact on trees and ecology are also considered to

be acceptable. The proposal would also provide a Biodiversity Net Gain in compliance with Schedule 7A of the Town and Country Planning Act 1990.

- 2.5 For the above reasons, the application is deemed to comply with policies DP12, DP21, DP23, DP26, DP29, DP37 and DP38 of the Mid Sussex District Plan, the Ansty, Staplefield and Brook Street Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the National Planning Policy Framework. Planning permission should therefore be granted.

3.0 Recommendation

- 3.1 It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

4.0 Summary of Representations

- 4.1 165 third-party letters of representation have been received in respect of this application. 151 letters were received which raised objection to the proposal, the reasons for their objections have been summarised below:
- The proposal is visually unattractive.
 - The proposal is considered unnecessary given existing infrastructure.
 - The site should be located away from homes, schools, parks, and areas used by children.
 - Adverse visual impact on the countryside.
 - Interruption of existing views of the South Downs.
 - Harm to the openness and tranquillity of the area.
 - Potential negative effect on property values.
 - Health concerns, including radiation and EMF exposure, and limitations of ICNIRP guidance (particularly for individuals with medical devices or implants).
 - Noise impacts, including disturbance during construction and ongoing maintenance.
 - Adverse impact on wildlife, biodiversity, greenspace, and nearby nature reserves.
 - Insufficient public consultation.
 - Overbearing presence and loss of outlook for nearby properties.
 - Highway safety concerns.
 - Loss of important trees.
 - Potential loss of trade to a competitor.
 - The proposal is excessively large and incongruous within its setting.
 - Poor site selection and inappropriate location.
 - Urbanising and industrialising effect on the rural character.
 - Harm to the skyline.
 - Limited public benefit and insufficient justification for the height and design.
 - Existing fibre optic network and adequate coverage make the proposal redundant.
 - The proposal would not achieve its stated objectives.
 - Site selection process is inadequate; more suitable locations are available.
 - Vulnerability to vandalism.
 - Insufficient screening measures.
 - Submitted information and visual montages do not accurately represent the site.
 - Lack of transparency in the application process.

- Non-compliance with policies DP12, DP26, and DP37 of the Mid Sussex District Plan.
- Similar applications have previously been refused.
- Potential impact on archaeological assets.
- Adverse effect on children, vulnerable individuals, and nearby play areas.
- Potential distraction to drivers.
- Impact on green belt land.
- Impact on the South Downs National Park.
- Risk of litigation.
- Overall environmental impact.
- No Mobile Network Operator identified.

4.2 12 letters of representation have been written in support of the application advising that the proposal would improve the mobile reception with the existing reception being poor.

4.3 Two letters of representation have written neither supporting nor objecting to the proposal but queries the location of the proposal.

4.4 A number of representation letters have been received which state that the submitted information is misleading, incorrect and disingenuous.

4.5 A number of representation letters query the number of notification letters that were sent out notifying residents of the application and some state that they were not notified of the application. They state that no consultation was undertaken with local residents, users of the site or local schools.

5.0 Summary of Consultees

The full comments of the consultees can be found on the public planning file.

MSDC Tree Officer

No objection.

WSCC Local Highways Authority

No objection, subject to conditions.

MSDC Ecology

No objection, subject to conditions

Newt Officer

No objection subject to informative.

6.0 Ansty and Staplefield Parish Council Observations

6.1 Against policy DP12 as intrusive on countryside, against DP23 as unnecessary, concerned over impact on biodiversity, impact on those with medical implants, overdevelopment and local objection.

7.0 Introduction

- 7.1 Planning permission is sought for the installation of a 22.5 metre lattice mast, mounted with 9No. antennas, 12No. cabinets, 1No. Electrical meter cabinet located within a compound comprised of 2.4 metre high chain-link fence topped with 3 strands of barbed wire and the creation of a new access from Rocky Lane and ancillary development thereto at land adjacent to Rocky Lane, Haywards Heath.

8.0 Relevant Planning History

- 8.1 There is no relevant planning history.

9.0 Site and Surroundings

- 9.1 The application site consists of an open green field located to the west of the London/Brighton mainline. It is predominantly an open grassed area which is surrounded by significant tree lines to the north, south, east and west of the site. The maximum height of the trees within the surrounding area is considered to be some 12 metres.
- 9.2 The application site is situated within the countryside to the south and west of the built-up area of Haywards Heath. To the east of the site is the existing railway line and a woodland. There are significant trees to the north, south, east and west of the proposal. Ancient Woodland is located to the west of the proposed access which is the other side of Rocky Lane from the proposed access. The nearest residential properties to the site are located some 80 metres to the east on Rocky Drive. Rocky Lane is located to the north and west of the site and a woodland and open fields are located to the south of the site. The South Downs National Park is located some 4,200 metres to the south of the site.

10.0 Application Details

- 10.1 The proposed works consist of the erection of a lattice tower which measures a maximum 2.7 metres in depth, 2.7 metres in width and 23.8 metres in height. The tower would have 9 antenna connected to the proposed head mast, they would measure some 0.3 metres in depth, 0.5 metres in width and 3.3 metres in height. The overall height of the lattice tower together with the proposed antenna would be some 24.7 metres above ground level.
- 10.2 The proposal includes the creation of a dedicated compound. The compound would consist of the proposed lattice tower, 12 cabinets and a shared metre cabinet. The compound will be surrounded by a 2.4 metre high palisade metal fence. The compound would measure some 10.0 metres in width and 15.0 metres in length. The proposed cabinets and fencing will be characterised by steel in a fir green colour RAL 6009.
- 10.3 The application also includes the creation of a new vehicular onto Rocky Lane located to the southwest of the site. It would include a turning area constructed of compacted MOT Type 1. The proposed access would be located within the 15-metre buffer zone of the Ancient Woodland.
- 10.4 The submitted documents advise that the proposal would retain all the existing trees on the site with some root pruning to T002 an Oak tree, to facilitate the new access. The submitted documents also propose a number of tree protection measures including tree protection fencing.

- 10.5 The submitted plans also show a route to the south of the site for a fibre cable connection and a power cable connection. They include an access route to the south of the proposed compound, it would not consist of a formal track.
- 10.6 The submitted documents state that the proposal is part of a larger scheme to provide macro-level mobile media connectivity to fill gaps where existing Mobile Network Operators' sites do not provide coverage along the London to Brighton railway line. It also states that the proposal will provide improved coverage within the local area.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 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.'*
- 11.3 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.'*
- 11.4 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.
- 11.5 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.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocation DPD and the Ansty, Staplefield and Brook Street Neighbourhood Plan.
- 11.7 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

- 11.8 The District Plan was adopted at Full Council on 28th March 2018. Relevant policies include;

DP12 – Protection and Enhancement of Countryside
DP21 - Transport
DP23 – Communication Infrastructure
DP26 - Character and Design
DP29 – Noise, Air and Light Pollution
DP37 – Trees, Woodland and Hedgerows
DP38 - Biodiversity

Site Allocation DPD

- 11.9 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. No policies are considered relevant to this application.

The Ansty, Staplefield and Brook Street Neighbourhood Plan

- 11.10 The Ansty, Staplefield and Brook Street Neighbourhood Plan was formally made on 2nd February 2017.

No policies are considered relevant to this application.

Mid Sussex District Plan 2021-2039 Submission Draft (Regulation 19)

- 11.11 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 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.

A list of relevant policies can be found here:

DPN2: Biodiversity Net Gain
DPN4: Trees, Woodland and Hedgerows
DPN7: Noise Impacts
DPC1: Protection and Enhancement of the Countryside
DPB1: Character and Design
DPI4: Communications Infrastructure

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.12 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)

- 11.13 The NPPF is a material consideration with specific reference to decision-taking paragraph 47 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

12.0 Assessment

- 12.1 The main issues for consideration are:

- The principle of Development;
- Character and Design;
- Transport;
- Impact on Amenities of Residents;
- Impact on Trees and Ecology;
- Biodiversity;
- Other Matters; and
- Planning balance and conclusion.

Principle of Development

- 12.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.3 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Ardingly, Staplefield and Brook Street Neighbourhood Plan and the Site Allocation DPD.
- 12.4 The application site is situated within the countryside as defined by the Mid Sussex District Plan. 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.'*

12.5 Policy DP23 of the District Plan relates to communication infrastructure and states that:

'The Council will encourage the incorporation of digital infrastructure including fibre to premises, in major new housing, employment and retail development. The expansion of the electronic communication network to the towns and rural areas of the District will be supported.'

When considering proposals for new telecommunication equipment the following criteria will be taken into account:

- *The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;*
- *New telecommunication equipment should not have an unacceptable effect on sensitive areas, including areas of ecological interest, areas of landscape importance, Areas of Outstanding Natural Beauty, the South Downs National Park, archaeological sites, conservation areas or buildings of architectural or historic interest and should be sensitively designed and sited to avoid damage to the local landscape character;*
- *Preference will be for use to be made of existing sites rather than the provision of new sites. When considering applications for telecommunications development, regard will be given to the operational requirements of telecommunications networks and the technical limitations of the technology.'*

12.6 Paragraphs 122 and 123 of the NPPF state:

'122. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and*
- b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or*
- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.*

123. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators,

question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.'

- 12.7 The proposal is considered to represent the expansion of the electronic communications network and it provides clear benefits in relation to improved telecommunications infrastructure within the district. The site is not located within an Area of Outstanding Natural Beauty, an archaeological site or conservation area and there are no buildings of architectural or historic interest within the surrounding area. The South Downs National Park is located some 4,200 metres to the south of the site and the site is not considered to be within the setting of the SDNP. It is also considered that due to the topography of the surrounding area, the distance from the SDNP and the surrounding woodland it is not considered to impact views into or from the SDNP. The site is not located within an area of particular ecological interest however a subsequent section of this report does assess the proposal's impact in this regard.
- 12.8 A schedule of alternative sites have been considered and discounted by the applicant. These predominantly relate to ground-based greenfield installations in the vicinity of the railway line. Various reasons are given for discounting each option, including (but not limited to) failure to provide the required levels of coverage to the railway line, impact on trees, lack of screening and more prominent siting. There are no existing suitable telecommunications installations for the operator to share, that would provide the necessary coverage to the target coverage area without a high level of redevelopment. Therefore, a new ground-based installation is required.
- 12.9 In light of the above, a robust search and assessment of alternative sites has been undertaken, and no demonstrably more suitable site has been identified within the search area.
- 12.10 The proposal's impact on visual amenity, character and appearance of the surrounding area is to be assessed in a subsequent section of this report. The proposal's impact on relation to health matters are also to be assessed in a subsequent section of this report.
- 12.11 Representation letters have been received which object to the proposal as it is unnecessary given existing infrastructure, impact on views of SDNP, loss of trade to a competitor, impact on green belt land, poor site selection and inappropriate location. Whilst these comments are noted, the NPPF states that LPA's should not seek to prevent competition between different operators or question the need for an electronic communication system. The proposal is a significant distance from the SDNP and due to the existing trees and topography within the surrounding area the proposal is not considered to impact views to the SDNP. The site is not located within green belt land. Given the level of detail that has been provided it is considered that the site selection process is sufficient, and the above assessment sets out why the proposed location is considered appropriate in principle.
- 12.12 Furthermore, comments have been received which state that the proposed mast is unnecessary, is a speculative application, with no end users, the proposal should use an existing mast, and the benefits don't outweigh the negative impact. These comments are noted however paragraph 123 of the NPPF states that Local Planning Authorities should not 'question the need for an electronic communications system'. Therefore, the application cannot be refused on the above grounds.

- 12.13 Comments have been received which object to the proposal due to its proximity to residential properties, businesses, schools and that the proposed use of the land is unacceptable. Whilst these comments are noted the proposal is at least some 84 metres from the nearest residential properties, businesses, schools and other sensitive receptors, this is considered to be a relatively significant distance. Taking into account the above assessment the proposed location is considered to be acceptable in principle.
- 12.14 Taking into account the above the proposal is considered to be supported by policies DP12 and DP23 of the Mid Sussex District Plan subject to its compliance with policies that relate to impact on visual amenity and the countryside. The proposal is also considered to comply with paragraphs 122 and 123 of the NPPF.

Character and Design

- 12.15 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.'

- 12.16 Policy DP23 of the Mid Sussex District Plan states in part that:

'The location and appearance of the proposed apparatus and associated structures should seek to minimise impact on the visual amenity, character or appearance of the surrounding area. On buildings, apparatus and associated structures should be located and designed in order to seek to minimise impact to the external appearance of the host building;'

- 12.17 Policy DP26 of the 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:

- 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.'*

- 12.18 A similar ethos is contained within the Mid Sussex Design Guide SPD.
- 12.19 The proposed lattice tower including the proposed antenna would measure some 24.7 metres in height. Given its siting and scale there would be views of the proposed tower from the surrounding area. The surrounding trees measure some 12.0 metres high with the proposed lattice tower including the proposed antenna extending some 12.7 metres above those trees.
- 12.20 The nearest residential properties to the site are located some 84 metres to the east on Rocky Drive and there are residential properties to the north of the site some 150 metres away. Rocky Lane is located to the north and west of the site.
- 12.21 The views of the proposal would be partially screened by the existing trees within the surrounding area and the varying topography of the surrounding landscape. Clear views of the apparatus will be mainly confined to the immediate vicinity, where there is limited public access. The proposed mast is to be galvanised steel which would assimilate with the traditional colour of the UK sky. It is not uncommon for tall metal structures to be sited within the countryside along the trainline. It should also be noted that there is a galvanised steel electricity pylon located 670 metres to the south of the site. Whilst the exact height of this pylon is not known, it is of a significant height that greatly exceeds the height of the surrounding trees and would exceed the height of the proposed lattice tower.
- 12.22 Comments have been received which object to the proposal due to its appearance, visual impact, on surrounding area and countryside, excessively large, incongruous, urbanising and industrial addition. Whilst these comments are noted given the above assessment the siting and appearance of the proposal is considered to be acceptable.
- 12.23 Taking into account the above the proposal is considered to address and minimise the impact on visual amenity, character and appearance of the surrounding area and maintain the quality of the rural and landscape character of the district. Its siting and appearance is considered acceptable. As such the proposal is considered to comply with the above parts of policies DP12, DP23 and DP26 of the Mid Sussex District Plan.

Transport

- 12.24 Policy DP21 of the Mid Sussex District Plan in part states:
'The scheme protects the safety of road users and pedestrians;'
- 12.25 Paragraph 116 of the NPPF states;
'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'
- 12.26 The proposal includes a new permanent access point at Rocky Lane, which includes a turning area characterised by compacted MOT type 1. It has been confirmed that no permanent trackway is proposed within the site.
- 12.27 The Local Highways Authority (LHA) have provided detailed comments regarding the proposal. They have noted that suitable visibility splays can be achieved and a left turn only, from the junction is proposed that can be secured via a Traffic Regulation Order. A Stage 1 and 2 Road Safety Audit has also been undertaken by the applicant and the LHA have endorsed the recommendations within it. They have also recommended conditions to secure the creation of the access and a construction management plan. Therefore, they have advised that there are no transport grounds to resist the proposal subject to the imposition of the conditions set out above. Your officer agrees with this conclusion.
- 12.28 Representation letters have been received which object to the proposal due to impact on highways safety and potential for distraction to drivers. Given the above assessment the proposal is considered to be acceptable in respect of highways safety. It would not represent a distraction for drivers given the limited views of it from the public realm.
- 12.29 Taking into account, the above the proposed new access and highways arrangement is considered acceptable and the application complies with policy DP21 of the Mid Sussex District Plan.

Impact on Amenities of Residents;

- 12.30 Policy DP26 of the Mid Sussex District Plan 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);'
- 12.31 A similar ethos is contained within the Mid Sussex Design Guide SPD.
- 12.32 The proposed mast would be some 84 metres away from the nearest residential properties with a significant number of trees and a railway line between the application site and the nearest residential properties. It has been confirmed that the proposed radio equipment housing will be mechanically ventilated, however this is only likely to operate during the day during hot weather. No external lighting has been proposed.
- 12.33 Representation letters have been received which object to the proposal due to impact on existing tranquillity, overbearing impact, loss of outlook and impact on

noise and light pollution. Given the above assessment the proposal is considered to not cause significant harm to the amenities of existing nearby residents including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. The proposal is considered to comply with the above-mentioned part of policy DP26 of the Mid Sussex District Plan.

Impact on Trees and Ecology

12.34 The application has been supported by a Preliminary Ecological Appraisal which includes habitat and protected species surveys and mitigation proposals.

12.35 Policy DP38 of the District Plan seeks to protect and enhance biodiversity and it in part states:

'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).'

12.36 Policy DP37 of the Mid Sussex District Plan also states that:

'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.'

12.37 And,

'Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

12.38 A Preliminary Ecological Assessment has been submitted with the application and the Council's Ecologist has raised no objection to its findings. They have advised that sufficient information has been submitted with the application to determine it and that appropriate mitigation measures can be secured to make the development acceptable in respect of ecology. Whilst it is noted that the proposed access would be located within the 15 metre buffer zone of the Ancient Woodland to the west, Rocky Lane separates the access and the Ancient Woodland so the area of the buffer zone that would be impacted by the development does not contribute to the protection of the Ancient Woodland and the Ancient Woodland would not be adversely impacted. The Council's Newt Officer has raised no objection to the proposal and recommended an informative.

12.39 The proposal would not result in the removal of any existing trees at the site and the Council's Tree Officer has raised no objection to the proposal subject to minimal root pruning. The submitted Arboricultural Impact Assessment provides details of tree protection measures which are considered to be acceptable and can be secured by a suitably worded condition.

12.40 Your Planning Officer agrees with the advice provided by the Council's technical consultants and there is no alternative evidence in front of Officers to suggest that an alternative view on these matters should be taken.

- 12.41 Representation letters have raised objection to the proposal due to its impact on wildlife, biodiversity, nature reserves and existing trees. Given the above assessment the proposal is considered to be acceptable in respect of these matters. Considering, the above the proposal is considered to comply with the above-mentioned part of policies DP37 and DP38 of the Mid Sussex District Plan.

Biodiversity Net Gain

- 12.42 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.
- 12.43 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)'.

Other matters

- 12.44 A significant number objection letters have been received in respect of the application and whilst a number of the issues raised have been addressed above, it is considered important to address the remaining issues.
- 12.45 As set out within a previous section of this report paragraph 213 of the NPPF sets out that LPAs should not seek to set health safeguards different from the International Commission guidelines for public exposure. A Declaration of Conformity Public RF Exposure Guidelines("Guidelines") formerly known as an ICNIRP (health) compliance certificate, is included with the application certifying ensuring compliance with paragraph 122 of the NPPF. The representations received in relation to the health impacts of the proposal are noted, however having regard to the scope of the Guidelines this information is not considered to provide the weight of evidence to suggest that the proposal would have adverse effects on health, including to local users of pacemakers and similar devices. It is acknowledged that the guidelines do not deal with the specific risk of harm which may potentially be caused by EMFs unintentionally interfering with active implantable medical devices. Part of the consultation process is an attempt to elicit what may not yet be known to the Council about the potential impact of the proposed equipment on local people with disabilities and people who may not be disabled but have health issues being managed by pacemakers and other similar active implantable medical devices. In this respect regard has been had to the Council's public sector equality duty. The representations on pacemakers (and similar devices) given limited indication of the numbers and location of local people who might be affected or that they are currently affected by existing telecommunications equipment which might be exacerbated. Thus, careful consideration has been given to this issue, and it has been given little weight.

- 12.46 The impact of the proposal on property values, the enabling of mass surveillance, susceptibility to vandalism and the enabling of Artificial Intelligence are not considered to be material planning considerations. Whether the Council are liable for future litigation or not is not considered to be a material planning consideration.
- 12.47 Each application is assessed on its own merits and as such the proposal is not considered to represent a precedence for future development. A condition can be imposed requires that development is removed as soon as reasonably practicable after it is no longer required for electronic communications purposes.
- 12.48 The application was advertised in accordance with MSDC policy and the Town and Country Planning Development Management Procedure England Order 2015. Representation letters have also raised concerns over the quality of the application documents that have been submitted however they are considered to be accurate and comply with the relevant legislation. No definitive evidence has been provided to show that the applicants have not complied with the Code of Practice. The site selection process that has been undertaken is considered sufficient for the purposes of this application. The application is not of a scale or within an area that would require the submission of an Environmental Impact Assessment.

13.0 Planning Balance and Conclusion

- 13.1 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.
- 13.2 The proposal represents the expansion of the electronic communications network and it provides clear benefits in relation to improved telecommunications infrastructure within the district. It is further considered that the site's selection and equipment specification have been sufficiently justified through the application documentation.
- 13.3 Taking into account the design, location and scale of the development it would maintain the quality of the rural and landscape character of the countryside and it would not cause significant harm to the amenities of existing residents including taking account of the impact on outlook, daylight and sunlight, and noise, air and light pollution. The resulting access arrangement and the impact on trees and ecology are also considered to be acceptable. The proposal would also provide a Biodiversity Net Gain in compliance with Schedule 7A of the Town and Country Planning Act 1990.
- 13.4 For the above reasons, the application is deemed to comply with policies DP12, DP21, DP23, DP26, DP29, DP37 and DP38 of the Mid Sussex District Plan, the Ansty, Staplefield and Brook Street Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the National Planning Policy Framework. Planning permission should therefore be granted.
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APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. Prior to the commencement of the development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include amongst other matters details of: the anticipated number, frequency and types of vehicles used during construction, the method of access and routing of vehicles during construction, the parking of vehicles by site operatives and visitors, the loading and unloading of plant, materials and waste, the storage of plant and materials used in construction of the development, the erection and maintenance of security hoarding, the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders) and details of public engagement both prior to and during construction works. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety and the amenities of the area in accordance with policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

5. No use of the access shall take place until such time that the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled "JUNCTION DESIGN PROPOSED" and numbered "S5-11-00-004-MD004 Rev. 4".

Reason: In the interests of road safety and to accord with policy DP21 of the Mid Sussex District Plan.

6. No use of the access shall take place until such time that visibility splays of 2.4 metres by 120 metres to the north and 2.4 metres by 34.5 metres to the south have been provided at the proposed site vehicular access onto Rocky Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be

maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to accord with policy DP21 of the Mid Sussex District Plan.

7. The works shall be carried out in accordance with the recommendations within the Tree Survey and Arboricultural Impact Assessment which were submitted on the 09.06.2025.

Reason: To ensure the works are carried out to a satisfactory standard, to protect the existing trees on the site and to accord with policy DP37 of the Mid Sussex District Plan.

8. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (Adapt Environmental Ltd, November 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and to accord with policy DP38 of the Mid Sussex District Plan.

9. All development hereby permitted must be removed from the site, and the land returned to arable use within 6 months of the proposal no longer being required.

Reasons: To protect the appearance of the area and to accord with Policy DP12 of the Mid Sussex District Plan 2014 - 2031.

Biodiversity Net Gain

Informatives

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance. Accordingly, you are requested that:
 - Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
 - Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
 - No burning of materials shall take place on site at any time. If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed left turn only. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.
3. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Highway Agreements Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
4. There is a low risk that great crested newts (GCN) may be present at the application site. Mid Sussex District Council considers it to be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the likely impacts of the development. However, the application site lies in the red impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or licence if an offence is likely.

The following recommendations are provided to further reduce the likelihood of impacts on this species:

- o Any trenches left overnight should be covered or provided with ramps to prevent GCN from becoming trapped.
- o Any building materials such as bricks, stone etc. should be stored on pallets to discourage GCN from using them as shelter.
- o Any demolition materials should be stored in skips or similar containers rather than in piles on ground.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Existing Site Plan	S5-11-00-000-MD004	4	09.06.2025
Proposed Site Plan	S5-11-00-001-MD004	4	09.06.2025
Existing Elevations	S5-11-00-002-MD004	4	09.06.2025
Proposed Elevations	S5-11-00-003-MD004	4	09.06.2025
Access Plan	S5-11-00-004-MD004	4	09.06.2025
Access Plan	8371-HJCE-XX-00-DR-C-4005	P01	08.07.2025
Visibility Plans	8371-HJCE-XX-00-DR-C-4004	P02	08.07.2025

