

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1948	Case Officer:	Hamish Evans
Application Type:	Full Application		
Proposal:	Proposed ground-mounted array of 40No. solar photovoltaic panels		
Site:	Lower Laines Farm, Newbury Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5AA, ,		
Validation Date	1 Aug 2025	Overall Expiry Date:	28 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Oct 2025
Target Date:	26 Sep 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	9 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1948

**Lower Laines Farm, Newbury Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5AA,
Proposed ground-mounted array of 40No. solar photovoltaic panels
Mr Dave Edwards**

SUMMARY OF REPRESENTATIONS

No third-party letters of representation have been received in respect of this application.

SUMMARY OF CONSULTEES

MSDC Ecology

No objection subject to conditions.

PARISH COUNCIL OBSERVATIONS

Cuckfield Parish Council

No objection.

INTRODUCTION

The application seeks planning permission for the installation of a proposed ground-mounted array of 40 solar photovoltaic panels at Lower Laines Farm, Newbury Lane, Cuckfield.

RELEVANT PLANNING HISTORY

None considered to be relevant.

SITE AND SURROUNDINGS

The application site consists of an agricultural farm which is located within the countryside and an WSCC Archaeological Notification Area for Cuckfield Medieval Park and Park Pale. The built up area boundary of Cuckfield is located some 360 metres to the north of the site.

The existing agricultural buildings within the site are located to the east of the site and are characterised by bare brown brickwork and brown timber clad walls, brown clay roof tiles and timber window and door frames. These building are surrounded by agricultural fields and the field that the proposed panels are to be sited is located to the west of the existing building.

The existing agricultural fields are bordered by hedgerows, tree lines and post and rail fencing. The site is accessed through a private track located to the south and east of the site. The private track connects to Newbury Lane which is located to the north of the site. The surrounding area consists of agricultural fields and buildings and is rural in its nature.

APPLICATION DETAILS

The application seeks planning permission for the installation of a proposed ground-mounted array of 40 solar photovoltaic panels at Lower Laines Farm Newbury Lane Cuckfield RH17 5AA.

The proposal is for 40 solar panels which will be arranged in 2 rows, each panel will measure some 1.1 metres in width and a length of 2.1 metres. The array would measure some 2.5 metres in height and

22.8 metres in width. The proposed panels would be black in colour. The proposal includes a ducted cable from the proposed array to the batteries and electricity supply within a barn located to the east of the proposed array. The proposal also include a wall-mounted electric vehicle charging point to the eastern elevation of this building.

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
- DP26 - Character and Design
- DP34 - Listed Buildings and Other Heritage Assets
- DP38 - Biodiversity
- 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.

Cuckfield Neighbourhood Plan

The Cuckfield Neighbourhood Plan was adopted in May 2014.

Relevant policies:

CNP4 - Protect and Enhance Biodiversity
CNP5 - 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
DPS3 - Renewable and Low Carbon Energy Schemes
DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN2 - Biodiversity Net Gain
DPC1 - Protection and Enhancement of Countryside
DPB1- Character and Design
DPB2 - Listed Buildings and Other Heritage Assets

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,
- Design and Impact on character of the area,
- Impact on neighbour amenities,
- Archaeology,
- Ecology, and
- Biodiversity net gain.

Principle

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.'*

A similar ethos is contained within policy CNP5 of the Cuckfield Neighbourhood Plan.

Policy DP40 of the Mid Sussex District Plan relates to renewable energy and states:

'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:

- *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;*
- *Ecology and biodiversity, including protected species, and designated and non-designated wildlife sites;*
- *Residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access.*

Assessment of impacts will need to be based on the best available evidence, including landscape capacity studies. Proposals for wind energy development involving one or more wind turbines will only be granted if:

- *the development site is in an area identified as suitable for wind energy development in a Neighbourhood Plan; and*
- *following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.'*

The proposal is for a renewable energy scheme to provide power to Lower Laines Farm. The proposal would be located a relatively significant distance from the main road, Newbury Lane, and due to the existing boundary treatment there would be limited views of the proposed panels from the public realm. The proposed panels are also considered to be relatively modest in their scale. The proposed ducted

cable and electric vehicle charging point are modest in their scale. As such the the proposal is considered to maintain the quality of the rural and landscape character of the District and that any adverse local impact is considered to be acceptable. It is therefore considered that the principle of the proposal would be supported by policy DP40 of the Mid Sussex District Plan and comply with policy DP12 of the Mid Sussex District Plan and policy CNP5 of the Cuckfield Neighbourhood Plan.

Character and Design

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.*

A similar ethos is found within the Mid Sussex Design Guide SPD.

The proposed works are of a relatively modest scale and due to their location and the existing boundary treatment there would be limited views of them from the public realm. As such the proposed works are considered to address the scale and character of the existing and surrounding buildings and landscape. Therefore, the proposal is considered to comply with the above part of policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Neighbouring Amenities

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);"

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The proposed works are set away from the boundaries of the site and the proposed panels are of a relatively modest scale. Due to the location of the proposed panels and the existing boundary treatment there would be limited views of them from nearby properties. The nearest residential property is some 100 metres to the east of the application site. As such it is considered that the proposal would not cause significant harm to the amenities of nearby residents in terms of overlooking, loss of privacy, loss of daylight and sunlight, noise, air and light pollution and a loss of outlook. The proposal is therefore,

considered to comply with the above-mentioned part of policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Archaeology

Policy DP34 of the Mid Sussex District Plan takes into account a range of heritage assets, including archaeology, in a manner appropriate to their significance. The application site is located in an a WSCC Archaeological Notification Area for Cuckfield Medieval Park and Park Pale. Due to the relatively modest nature of the proposed development it is not considered there would be an adverse impact on this heritage asset; however a condition would be attached to any consent to ensure that if any remains are discovered appropriate action would be undertaken.

Ecology

Paragraph 192 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Paragraph 193 states in part that if significant harm 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, planning permission should be refused. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. This stance is reflected under policy DP38 of the District Plan which states in part that:

'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...*

A similar ethos is contained within policy CNP4 of the Cuckfield Neighbourhood Plan.

As part of the proposal no significant areas of trees or vegetation would need to be removed to facilitate the development. The Council's Ecologist has raised no objection to the proposal subject to the imposition of conditions to secure the proposed mitigation, enhancement measures and a sensitive lighting scheme.

Taking into account the above the proposal is considered to comply with the policy DP38 of the Mid Sussex District Plan, policy CNP4 of the Cuckfield Neighbourhood Plan and the relevant paragraphs of the NPPF.

It should be noted that biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This requirement is assessed in a subsequent section of the report.

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)'.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposed development would represent a renewable energy scheme to provide power to Lower Laines Farm, it is considered to maintain the quality of the rural and landscape character of the District and that any adverse local impact is considered acceptable. The proposal would address the scale and character of the existing and surrounding buildings and landscape, it will not cause significant harm to the amenities of neighbouring occupiers, it would have an acceptable impact on . Therefore, the proposal complies with policies DP12, DP26, DP34, DP38 and DP40 of the Mid Sussex District Plan, policies CNP4 and CNP5 of the Cuckfield Neighbourhood Plan, the Mid Sussex Design Guide SPD and with the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Hamish Evans