

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0526	Case Officer:	Hamish Evans
Application Type:	Prior Notification - Telecommunication		
Proposal:	Access track in relation to a telecommunications site.		
Site:	Vodafone, Telecommunications Mast 37223, Haywards Heath Road, Balcombe, West Sussex, , ,		
Validation Date	27 Feb 2026	Overall Expiry Date:	24 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval is Granted	Recommendation Date:	7 Apr 2026
Target Date:	24 Apr 2026	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
--	--	-------------------------------	---

Signed and Agreed By:	Stephen Ashdown	Date:	14 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0526

**Vodafone, Telecommunications Mast 37223, Haywards Heath Road, Balcombe, West Sussex, ,
Access track in relation to a telecommunications site.
Cellnex Connectivity Solutions Limited**

SUMMARY OF REPRESENTATIONS

One third-party letter of representation has been received in respect of this application. It queries why a site notice in relation to this application was posted at a different site. It does not comment on the merits of the application.

SUMMARY OF CONSULTEES

WSCC Public Rights of Way Team

No objection.

PARISH COUNCIL OBSERVATIONS

Balcombe Parish Council

No comment.

INTRODUCTION

This prior notification application is submitted on behalf of Cellnex, which is a mobile infrastructure services company. The application seeks a determination under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether the prior approval of the local planning authority is required for the siting and appearance of an access track to a previously permitted telecommunications site at Haywards Heath Road Balcombe.

RELEVANT PLANNING HISTORY

DM/23/0986. Erection of a 30m high lattice mast supporting two headframes. Installation of 12 no. antennas on both headframes. 16 no. Radio equipment cabinets. Creation of a dedicated compound secured by 1.8m high mesh link fencing and an access gate measuring 15m x 8m. Compound is to be levelled. Installation of 1 No. shared metre cabinet. New access track from Haywards Heath Road, 3m wide and extending along the farms site boundary. Other ancillary development thereto including RRUs, BOBs and MHAs. Permission.

SITE AND ITS SURROUNDINGS

The site is located within the countryside and the High Weald Area of Outstanding Natural Beauty. The application site consists of several agricultural fields which are adjacent to a trainline to the south-west of the proposal. To the south of the proposed track is a public right of way. Haywards Heath Road is located to the north of the site and the surrounding area consists of agricultural fields and pockets of woodland.

APPLICATION DETAILS

The proposal is for an access track to a previously permitted telecommunications site from Haywards Heath Road Balcombe. It would be some 460.0 metres in length and some 3.0 metres in width. It would be constructed of compacted Type 1 DoT.

The application seeks a determination under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether the prior approval of the local planning authority is required for the siting and appearance of the proposed access track.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Mid Sussex Site Allocations DPD and the Balcombe 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.

The PPG explains that 'Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application.'

In the case of telecommunications development, the Town and Country Planning (General Permitted Development) Order 2015 states that before beginning development that is classified as permitted development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

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

DP22 - Rights of Way and other recreational routes

DP23 - Communication Infrastructure

DP26 - Character and Design

Site Allocations Development Plan Document

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Balcombe Neighbourhood Plan (adopted September 2016)

Policy 3 - Design

Policy 4 - Enterprise, Home Working and Broadband

Other Material Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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 hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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:

DPC1: Protection and Enhancement of the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPB1: Character and Design
DPT2: Rights of Way and Other Recreational Routes
DPI4: Communications Infrastructure

National Planning Policy Framework (NPPF) (December 2024)

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.

High Weald AONB Management Plan 2024-2029

ASSESSMENT

This prior approval application needs to be considered against Part 16 (Communications), Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The development complies with the technical requirements, subject to the prior approval process where the LPA must consider as to whether the prior approval of the authority will be required for the siting and appearance of the development. To assist in that regard, the development should be considered against the development plan policies.

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

'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;'

A similar ethos is contained within policy 4 of the Balcombe Neighbourhood Plan.

Policy DP12 of the Mid Sussex District Plan states in part that:

'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:

o it is necessary for the purposes of agriculture; or
o it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. In part the policy requires proposals to be of a high quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.

A similar ethos is contained within policy 1 of the Balcombe Neighbourhood Plan.

The site is located within 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. A similar ethos is also contained within paragraph 189 of the NPPF.

The proposed track is also adjacent to a PRoW and policy DP22 of the Mid Sussex District Plan seeks to ensure development does not adversely impact PRoW.

The proposed track would provide access to a previously permitted telecommunication site. The proposed track would be sited along the boundary of the fields that it would be located within, which would minimise its visual impact. Given the boundary treatment within the fields, the existing trees within the surrounding area and the topography of the surrounding landscape there would be limited views of the track from the public realm, including the PRoW. The WSCC PRoW team have raised no objection to the proposal and the track would not result in the loss of the PRoW.

Taking into account the above the proposal is considered to minimise the impact on the visual amenity, character and appearance of the surrounding area, and its siting and appearance is considered acceptable. It would maintain the landscape character of the High Weald AONB and it would not adversely impact the PRoW. It is also considered to maintain the quality of the rural and landscape character of the District and be supported by policy DP23 of the Mid Sussex District Plan. As such the proposal is considered to comply with the above parts of policies DP12, DP16, DP22, DP23 and DP26 of the Mid Sussex District Plan and policies 1 and 4 of the Balcombe Neighbourhood Plan.

Other Matters

A representation letter has been received which refers to the incorrect siting of a site notice, this is noted and was done erroneously. A site notice had since been erected at the application site for the required time period.

CONCLUSION

It is considered that there are clear benefits from the proposal in relation to providing access to previously permitted telecommunications infrastructure within the District. These are matters that weigh in favour of the application when considered the siting and design of the proposal. Due to the siting of

the proposed track it would maintain the quality of the rural and landscape character of the District and be supported by policy DP23 of the Mid Sussex District Plan. It would also maintain the landscape character of the High Weald AONB and it would not adversely impact the PRow. Taking into account the above assessment, the proposal is considered to comply with the above parts of policies DP12, DP16, DP22, DP23 and DP26 of the Mid Sussex District Plan, policies 1 and 4 of the Balcombe Neighbourhood Plan, the High Weald AONB Management Plan 2024-2029 and the relevant provisions of the NPPF. Prior approval of the appearance and siting of the development can therefore be granted in accordance with Part 16 (Communications), Schedule 2, of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Decision: Prior Approval is Granted

Case Officer: Hamish Evans