

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0536	Case Officer:	Stefan Galyas
Application Type:	Agricultural Prior Not. - Excav/Waste		
Proposal:	Excavations and engineering operations associated with the construction of new manure store and slurry lagoon		
Site:	Bolney Park Farm, Broxmead Lane, Bolney, Haywards Heath, West Sussex, RH17 5RJ, ,		
Validation Date	2 Mar 2026	Overall Expiry Date:	14 Apr 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Prior Approval is Refused	Recommendation Date:	15 Apr 2026
Target Date:	30 Mar 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	15 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0536

**Bolney Park Farm, Broxmead Lane, Bolney, Haywards Heath, West Sussex, RH17 5RJ,
Excavations and engineering operations associated with the construction of new manure store
and slurry lagoon
Mr And Mrs D Rawlins**

SUMMARY OF REPRESENTATIONS

There were no formal letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

MSDC Contaminated Land Officer: *'Our records do not indicate any potential contaminated land concerns at the application site beyond historical agricultural use. On this basis, the risk from ground contamination is considered to be low.'*

Slurry lagoons and manure stores do, however, present an inherent pollution risk if not designed and constructed in accordance with the relevant Environment Agency (EA) requirements. Compliance with these standards is necessary to prevent risks to controlled waters.

Environmental Protection has no objection to the proposed development. However, the applicant must follow EA guidance and obtain any necessary approvals or notifications from the Environment Agency before construction.'

The Environment Agency:

'The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA). The applicant is advised to review and ensure compliance with the SSAFO Regulations. Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter.'

The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. These regulations require you to inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility.'

INTRODUCTION

The application is to determine if prior approval is required for excavations and engineering operations associated with the construction of a new manure store and slurry lagoon.

RELEVANT PLANNING HISTORY

01/01232/AGRDET - Agricultural determination application for the infilling of the old bomb crater, levelling and re-seeding of area; easing of the slope of the field, and banking and planting of the lower slope. Permission 17.07.2001.

SITE AND SURROUNDINGS

The land subject to the current application is set to the north side main farm building at Bolney Park Farm its other associated buildings. The land is located within a verdant and open rural setting with extensive views offered out towards Cuckfield to the east and the South Downs in the distance to the south. The farmland managed by the Applicant at Bolney Park Farm consists of 49 hectares of land.

The site is located outside of any built up area boundary and is set within the High Weald Area of Outstanding Natural Beauty (National Landscapes).

APPLICATION DETAILS

The proposed development would consist of a manure and slurry storage system, including a 30 x 30 meter manure store which would be set on an impermeable concrete base surrounded by impermeable earth banks. This would capture both the manure leachate and surface water runoff and direct it using underground drainage towards a 60 x 30 meter slurry lagoon.

POLICY CONTEXT

The proposal will be assessed against the relevant criteria of Class A, Part 6, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

Class A - Agricultural Development on Units of 5 Hectares or More Permitted Development

'A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of—

- (a) works for the erection, extension or alteration of a building; or*
 - (b) any excavation or engineering operations,*
- which are reasonably necessary for the purposes of agriculture within that unit.*

Development not permitted

A.1 Development is not permitted by Class A if—

- (a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;*
- (b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;*
- (c) it would consist of, or include, the erection, extension or alteration of a dwelling;*
- (d) it would involve the provision of a building, structure or works not designed for agricultural purposes;*
- (e) the ground area which would be covered by—*
 - (i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations would exceed 1,000 square metres; or*
 - (ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 square metres, calculated as described in paragraph D.1(2)(a) of this Part;*
- (f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;*
- (g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;*
- (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;*
- (i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;*

- (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; ...
- (k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—
- (i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or
- (ii) is or would be within 400 metres of the curtilage of a protected building; or
- (l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.

Conditions

A.2—(1) Development is permitted by Class A subject to the following conditions—

(a) where development is carried out within 400 metres of the curtilage of a protected building, any building, structure, excavation or works resulting from the development are not used for the accommodation of livestock except in the circumstances described in paragraph D.1(3) of this Part or for the storage of slurry or sewage sludge, for housing a biomass boiler or an anaerobic digestion system, for storage of fuel or waste from that boiler or system, or for housing a hydro-turbine;

(b) where the development involves—

(i) the extraction of any mineral from the land (including removal from any disused railway embankment); or

(ii) the removal of any mineral from a mineral-working deposit, the mineral is not moved off the unit;

(c) waste materials are not brought on to the land from elsewhere for deposit except for use in works described in Class A(a) or in the provision of a hard surface and any materials so brought are incorporated forthwith into the building or works in question.

(2) Subject to sub-paragraph (3), development consisting of—

(a) the erection, extension or alteration of a building;

(b) the formation or alteration of a private way;

(c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or

(d) the placing or assembly of a tank in any waters, is permitted by Class A subject to the following conditions—

(i) the developer must, before beginning the development, 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, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

(ii) the application must be accompanied by a written description of the proposed development and of the materials to be used and a plan indicating the site together with any fee required to be paid;

(iii) the development must not begin before the occurrence of one of the following—

(aa) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(bb) where the local planning authority give the applicant notice within 28 days following the date of receiving the applicant's application of their determination that such prior approval is required, the giving of such approval; or

(cc) the expiry of 28 days following the date on which the application under sub-paragraph (2)(ii) was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;

(iv) where the local planning authority give the applicant notice that such prior approval is required, the applicant must—

(aa) display a site notice by site display on or near the land on which the proposed development is to be carried out, leaving the notice in position for not less than 21 days in the period of 28 days from the date on which the local planning authority gave the notice to the applicant; and

(bb) where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in sub-paragraph (iv)(aa) has elapsed, the applicant is treated as having complied with the requirements of that sub-paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;

(v) the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application; and

(vi) the development must be carried out—

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (d)(ii).

(3) The conditions in sub-paragraph (2) do not apply to the extension or alteration of a building if the building is not on article 2(4) land except in the case of a significant extension or a significant alteration.

(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).

(5) Where development consists of works for the erection, significant extension or significant alteration of a building and—

(a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and

(b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased,

then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

(6) Where an appeal has been made, under the Act, in relation to an application for development described in sub-paragraph (5)(b), within the period described in that paragraph, that period is extended until the appeal is finally determined or withdrawn.

(7) Where development is permitted by Class A(a), within 7 days of the date on which the development is substantially completed, the developer must notify the local planning authority in writing of that fact.'

ASSESSMENT

The application site is not located within 3k of an aerodrome and no part of the development would exceed 3m in height, therefore the proposal would accord with A.1(f). The proposal would not exceed 12m in height and would comply with the provisions of A.1(g).

The proposed red line for the new manure store and slurry lagoon would be located within 400m of both Blackfields and Hurst View to the south. As explained in the interpretation of Classes A to C in paragraph D.1, a protected building constitutes:

'any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but does not include—

(a) a building within the agricultural unit; or

(b) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;'

The two aforementioned properties at Blackfields and Hurst View are not considered to be within an agricultural unit or used in connection with agriculture. Accordingly, the proposal would fall within the 400m restriction and fail to comply with A.1(i).

In order to benefit from the above prior notification process and be considered permitted development, the local planning authority must be satisfied that the proposed works *'are reasonably necessary for the purposes of agriculture within that unit.'*

It is considered that the agricultural justification for the proposal could be established through a future planning application. However, in this instance, the proposal is considered to fundamentally fail to comply with A.1(i).

Taking into account the above, the proposal is not considered to comply with Class A.1(i) of Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

(as amended) due to the works being within 400m of protected buildings and the works being for the purposes of the storage of slurry.

CONCLUSION

The proposed development is not considered to constitute permitted development as defined under Part 6, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as the proposed works are within 400 meters of protected buildings and are for the purposes of the storage of slurry. Planning permission is therefore required for the proposal.

Decision: Prior Approval is Refused

Case Officer: Stefan Galyas