

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1402	Case Officer:	Hamish Evans
Application Type:	Lawful Development Certificate -Proposed		
Proposal:	Proposed farm abbatoir and animal processing facility located within existing agricultural building.		
Site:	The Naked Farm, Warninglid Lane, Warninglid, Haywards Heath, West Sussex, RH17 5TG, ,		
Validation Date	5 Jun 2026	Overall Expiry Date:	25 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	27 Aug 2026
Target Date:	31 Jul 2026	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	98
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Signed and Agreed By:	Stephen Ashdown	Date:	27 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1402

**The Naked Farm, Warninglid Lane, Warninglid, Haywards Heath, West Sussex, RH17 5TG,
Proposed farm abbatoir and animal processing facility located within existing agricultural
building.**

Daang Farming LLP

SUMMARY OF REPRESENTATIONS

104 third-party letters of representation have been received in respect of the application. Two of which were from the same postal address. They object to the proposal on the below grounds;

- Due to scale and manner of operation cannot be lawful,
- Goods to be sourced from elsewhere not just Naked Farm,
- Odour and noise impacts,
- Increased vehicle movements,
- Material change of use of the land,
- Use not ancillary,
- Impact on AONB and tranquillity,
- Impact on highways safety,
- Air pollution,
- Impact on water and soil,
- Biodiversity loss,
- Greenhouse gasses,
- Impact on welfare of animals,
- Proposal is an industrial use,
- Inaccuracies within submitted application documents,
- Submitted information insufficient,
- Application type does not allow sufficient scrutiny, and
- Dangerous precedent.

Two letters do not object or support the proposal. One states that it would not object if any produce is only used from Naked Farm. It would object if the proposal included large cattle trucks coming from outside the site. The other letter raises concern regarding increased traffic at the site and the surrounding area.

SUMMARY OF CONSULTEES

None received.

PARISH COUNCIL OBSERVATIONS

Slaugham Parish Council

No objection, subject to site only being used by Naked farm.

INTRODUCTION

The lawful development certificate seeks to establish that the change of use would not constitute 'development' as defined in Section 55(1) of the Town and Country Planning Act 1990. The proposal seeks to demonstrate that the partial change of use from the existing agricultural barn to an abattoir and animal processing unit would not be a 'material' change and thus not constitute 'development'. The proposed site is located at The Naked Farm, Warninglid Lane, Warninglid.

RELEVANT PLANNING HISTORY

None considered relevant.

SITE AND SURROUNDINGS

The site is located within the countryside and the High Weald Area of Outstanding Natural Beauty. The built up area boundary of Warninglid is located some 390 metres to the north-east of the site. A grade II listed building, Barlands, The Street, Warninglid is located to the west of the site. The existing building is a large agricultural building which measures some 55.0 metres in depth, 19.0 metres in width, an eaves height of 6.0 metres and a total height of 8.4 metres. The existing building is a steel framed building which is characterised by block and timber clad walls and metal sheet roofing. The access to the site is off The Street and the access is located to the east of the existing building. The existing boundary treatment consists of hedgerows measuring some 2.0 metres in height. The surrounding area is rural in its nature with agricultural fields, woodland and sparse residential properties within the landscape. Agricultural fields are located to the north, south and east of the site, and a residential property is located to the west of the site.

APPLICATION DETAILS

The application seeks a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 for the proposed installation and operation of a farm abattoir and animal processing facility within part of an existing agricultural livestock building at Naked Farm, Warninglid Lane, Warninglid.

The submitted plans show that part of the existing agricultural building would be partially fitted out as a purpose-built animal processing facility. The proposed layout includes lairage pens, livestock handling areas, stunning and bleeding facilities, carcass processing areas, chillers, welfare facilities, plant room and associated equipment. The remaining larger part of the building would continue to be used for livestock housing.

The submitted information states that the facility would only process livestock bred and reared on land owned and occupied by Naked Farm. The applicant advises that, once fully operational, the anticipated annual throughput would comprise approximately 50 cattle, 200 pigs, 350 lambs/hoggets, 30 goats and 10,000 chickens. It is further stated that carcasses would be transported to a separate butchery located within the wider estate building complex.

The applicant has advised that the abattoir would be available to operate between 08:00 and 16:00 Monday to Friday. However, it is stated that, in practice, the facility is anticipated to operate on only a couple of days per week in the near future. The applicant has also indicated a willingness to accept a restriction, secured through a Schedule attached to any Certificate of Proposed Lawful Use, limiting operations to 08:00-16:00 Monday to Friday throughout the calendar year, except during weeks containing Easter, Christmas and New Year.

The applicant advises that the proposal forms part of a wider estate strategy focused on the production, processing and sale of food products reared or grown on the holding. The submitted Planning Statement contends that the proposed abattoir would be ancillary to the agricultural use of the holding and that the proposal would not amount to a material change of use requiring planning permission.

The application is supported by the following documents:

- Application Form;
- Location Plan;
- Block Plan;
- Existing Elevations and Floor Plans;
- Proposed Elevations and Floor Plans;
- Animal Processing Facility Plan;
- Land Ownership Map;
- Planning Statement;

- Vision Statement;
- Additional information received during the application regarding livestock throughput and land ownership extent.

RELEVANT LEGISLATION

This application is to establish whether the proposed development would be lawful and will be a legal decision; planning merits cannot be taken into account when considering this application.

Town and Country Planning Act 1990 (as amended)

Section 55

(1) 'Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.'

Section 336

(1) 'agriculture' includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly.'

ASSESSMENT

The application seeks a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 for the use of part of an existing agricultural building as a farm abattoir and animal processing facility.

In determining an application under Section 192 of the Act, the Local Planning Authority must consider whether the proposed use would be lawful if instituted at the date of the application. Planning merits are not relevant. The burden of proof rests with the applicant to demonstrate, on the balance of probabilities, that the proposed development would be lawful.

Section 55(2)(e) of the Town and Country Planning Act 1990 provides that the use of land for the purposes of agriculture, and the use for any such purpose of buildings occupied together with that land, does not constitute development. Agriculture is defined in Section 336 of the Act and includes, amongst other matters, horticulture, dairy farming and the breeding and keeping of livestock.

There is no dispute that the existing building forms part of an established agricultural holding and is currently in agricultural use. The principal issue is whether the proposed slaughtering, animal processing and associated activities would fall within the agricultural use of the holding or would otherwise be ancillary to that use to such an extent that no material change of use would occur.

The applicant relies upon a number of legal authorities including *Williams v Minister of Housing and Local Government* (1967), *Millington v Secretary of State for the Environment, Transport and the Regions* (2000), and *Modern Continental Construction Co. v Building Inspector of Natick* (Massachusetts, USA, 1997). The applicant also relies upon the delegated decision issued by the Peak District National Park Authority under application reference NP/DDD/0124/0068.

The decision in *Williams* concerned the sale of produce grown on agricultural land and does not directly address slaughtering, butchery or meat processing activities. Similarly, *Millington* concerned the production of wine from grapes grown on the holding and did not establish that all processing activities associated with agricultural produce fall within the definition of agriculture. Rather, the Court identified a fact-specific assessment as to whether such activities are ordinarily incidental to agriculture, ancillary to normal farming activities, reasonably necessary to make the product marketable and consequential upon agricultural operations.

The American authority is not binding in England and Wales and can only be afforded very limited weight.

The Council acknowledges the Peak District National Park Authority decision. However, that decision was reached on the specific facts of that case and does not constitute binding precedent. Furthermore, the delegated report recognised that whether a use is ancillary to agriculture is a matter of fact and degree and assessed the proposal against its particular circumstances, including a very limited throughput of livestock and operation associated with an existing farm shop.

In the present case the applicant has advised that, once fully operational, the facility would process approximately:

50 cattle per annum;
200 pigs per annum;
350 lambs/hoggets per annum;
30 goats per annum; and
10,000 chickens per annum.

Whilst it is proposed that all animals would be reared on land occupied by Naked Farm, the proposal would involve the slaughtering of livestock, carcass handling and subsequent transportation of carcasses to a separate butchery facility elsewhere on the estate. The application therefore relates not merely to the keeping and breeding of livestock but also to subsequent processing activities.

The Council has carefully considered whether these activities could reasonably be regarded as agricultural or ancillary to agriculture. However, the authorities submitted do not directly establish that slaughtering and animal processing operations of the nature proposed fall within the statutory definition of agriculture or are necessarily ancillary to agriculture as a matter of law. Equally, the evidence submitted does not satisfactorily demonstrate that the proposed activities would remain so subordinate, incidental and functionally linked to the agricultural use of the holding that no material change of use would occur.

The applicant has also advised that the proposed abattoir would be expected to operate between 08:00 and 16:00 Monday to Friday and that, in the near future, operations are anticipated to take place on only a couple of days per week. The applicant has also indicated a willingness to accept restrictions on operating hours. This additional information has been taken into account. However, the application must be assessed on the basis of the use proposed and whether that use would be lawful if instituted at the date of the application. The anticipated frequency of operation represents the applicant's current intention and would not limit the extent of the use proposed. Consequently, whilst the information provides further context regarding the anticipated operation of the facility, it does not demonstrate that the slaughtering, carcass handling and associated processing activities would be so subordinate, incidental or ancillary to the agricultural use of the holding that no material change of use would occur.

The question of whether a use is ancillary is one of fact and degree. Having regard to the nature of the proposed operations, the scale of the anticipated throughput and the absence of authority directly establishing that such activities are lawful without planning permission, the Local Planning Authority is not satisfied, on the balance of probabilities, that the proposal would not amount to a material change of use.

Accordingly, on the evidence available, it has not been demonstrated that the proposed use would be lawful at the time of the application.

104 letters of representation were received objecting to the proposal and two letters raising comments without expressing support or objection. Concerns raised include the scale and nature of the proposed operation, whether livestock or produce could be sourced from outside Naked Farm, odour and noise impacts, increased vehicle movements, highways safety, impacts on the High Weald National Landscape and tranquillity, air pollution, impacts on water, soil, biodiversity, greenhouse gas emissions, animal welfare, the contention that the proposal constitutes an industrial use rather than an agricultural use, alleged inaccuracies within the submitted information, insufficiency of the submitted evidence,

concerns regarding the use of a Lawful Development Certificate application process, and the potential precedent that could be established. One representation indicated no objection provided the facility is restricted to processing livestock from Naked Farm, whilst another raised concerns regarding traffic generation.

The comments received have been taken into account insofar as they are relevant to the determination of a Lawful Development Certificate application. However, an application under Section 192 of the Town and Country Planning Act 1990 is a legal determination as to whether the proposed development would be lawful if carried out at the date of the application. Issues relating to noise, odour, traffic generation, highway safety, landscape impact, biodiversity, pollution, climate change, animal welfare and precedent are matters that relate to the planning merits which are not relevant considerations in such an assessment.

Notwithstanding this, representations alleging that the proposal would amount to a material change of use, would not be ancillary to the agricultural holding, would operate at a scale beyond that ordinarily associated with agriculture, or that livestock and products may originate from outside the holding, are relevant to the core question of lawfulness and have been considered as part of the assessment. These matters relate directly to whether the proposed slaughtering and animal processing activities would remain within the existing agricultural use of the holding or be so ancillary and subordinate to that use that no material change of use would occur. For the reasons set out within the assessment section of this report, the Local Planning Authority is not satisfied that the evidence submitted demonstrates, on the balance of probabilities, that the proposed operation would be ancillary to the agricultural use of the holding to such an extent that no material change of use would occur. Accordingly, these representations reinforce concerns regarding the lawfulness of the proposed use but are not determinative of the decision.

Concerns regarding the adequacy and accuracy of the submitted information have also been noted. The application has been assessed on the basis of all information submitted by the applicant, including additional information provided during the course of the application. The burden of proof in a Section 192 application rests with the applicant to demonstrate, on the balance of probabilities, that the proposed use would be lawful. In this case, for the reasons set out in the assessment, the Local Planning Authority is not satisfied that this burden has been met.

CONCLUSION

In conclusion it is considered that the applicant has failed to demonstrate, on the balance of probabilities, that the proposed slaughtering, animal processing and associated activities would fall within the existing agricultural use of the holding or would be ancillary to that use to such an extent that no material change of use would occur.

The Local Planning Authority is therefore not satisfied that the proposed use would be lawful at the date of the application. As such a certificate of lawfulness cannot be issued.

Decision: Refusal

Case Officer: Hamish Evans