

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2762	Case Officer:	Joanne Fisher
Application Type:	Full Application		
Proposal:	Siting of 3x timber cabins for overnight guest use, external timber decking areas, permeable footpaths and associated works. Existing access, parking and turning area and recycling/refuse storage will be utilised.		
Site:	Wintons Fishery, Folders Lane, Burgess Hill, West Sussex, RH15 0DR, , ,		
Validation Date	31 Mar 2025	Overall Expiry Date:	16 Feb 2026
Pre-Commencement Conditions Required:	Yes	Pre-Com Conditions Date Agreed:	19 Mar 2026
Recommendation:	Permission	Recommendation Date:	25 Mar 2026
Target Date:	26 May 2025	Recommending Officer Signature:	Joanne Fisher

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Steven King	Date:	25 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2762

**Wintons Fishery, Folders Lane, Burgess Hill, West Sussex, RH15 0DR, ,
Siting of 3x timber cabins for overnight guest use, external timber decking areas, permeable footpaths and associated works. Existing access, parking and turning area and recycling/refuse storage will be utilised.
P Church**

SUMMARY OF REPRESENTATIONS

1 letter of support.

SUMMARY OF CONSULTEES

Highways Authority

No objection. Condition relating to cycle parking.

MSDC Drainage

No objection.

MSDC Tree Officer

No objection. Condition the AIA, AMS and TPP.

MSDC Ecology Consultant

No ecological objection subject to conditions.

Lewes District Council

No observations

NatureSpace

No comments

TOWN COUNCIL OBSERVATIONS

Recommend Approval

INTRODUCTION

Permission is sought for the siting of 3x timber cabins for overnight guest use, external timber decking areas, permeable footpaths and associated works, existing access, parking and turning area and recycling/refuse storage will be utilised at Wintons Fishery, Folders Lane, Burgess Hill.

RELEVANT PLANNING HISTORY

DM/22/3264 - Demolition of existing rental office unit 1B, and proposed single storey, 60sqm office space to provide new updated office facilities for a growing business. Flood Risk Assessment received 21/2/2023. Approved.

DM/23/3034 - Demolition of existing offices and toilets down to DPC level and rebuilding offices and shower rooms on same footprint. Approved.

DM/24/1466 - Demolition of the remaining existing buildings and replace with a new office and anglers facilities (within two separate buildings) on the original footprint. Approved.

SITE AND SURROUNDINGS

The site is located off Folders Lane along an access track serving the fisheries and dwellings and is set to the south east of Burgess Hill. The site comprises various single storey timber outbuildings in association with the fishing business with other offices, a large area of car parking for users of the fishing lakes as well as 3 large fishing lakes. Two of the lakes to the south of the site fall within Lewes District.

The site has tree boundary screening to the north, south and east of the application site. To the west there is post and rail fencing with the existing property Wintons and a cul-de-sac of 8 dwellings which have recently been constructed. Some of these houses have their rear gardens backing onto the fishery site.

Although the site lies within the countryside as defined in the District and Neighbourhood Plans, the site is contiguous with the development boundary of Burgess Hill at the entrance and access with Folders Lane.

APPLICATION DETAILS

Permission is sought for the siting of 3x timber cabins for overnight guest use, external timber decking areas, permeable footpaths and associated works, existing access, parking and turning area and recycling/refuse storage.

This is a cross boundary application with Lewes District Council. The northern part of the site comprising of the access, parking and turning areas, waste storage and permeable footpaths falls within Mid Sussex. The southern part of the site comprising of the 3 timber cabins, decking areas and the path around the two lakes fall within Lewes District. As such, the consideration of this application only relates to the access, parking and turning areas, waste storage and permeable footpaths to the north of the site.

It is sought to utilise the existing car park area of Wintons Fishery for parking to serve the three holiday cabins. The existing refuse area at Wintons Fishery which serves the fishing lakes and business would be used as part of the proposal. A permeable footpath would be created from the car park to the south of the site running close to the rear boundaries of the dwellings to the west of Paddock Walk. At present this is an informal path in this location which is used to access the fishing lakes to the south of the site. Alongside this path would be two low level bollard lights with PIR sensors.

Beyond the boundary within Lewes District are two fishing lakes where the 3 timber cabins would be located to the southern end of the lakes. The existing informal paths around the lakes would be upgraded to permeable footpaths with 16 low level bollard lights with PIR sensors. The timber cabins would be single storey measuring some 12 metres in length, 5 metres in depth, with an eaves height of some 2.5 metres and an overall height of some 3.4 metres. They would comprise of an open plan kitchen/dining/living room, a double bedroom and a bathroom.

The Design and Access Statement submitted as part of the application states:

'The small-scale, sustainable development will diversify the existing carp and catfish fishing business, providing subtle and discreet countryside holiday accommodation for tourists visiting the area on short breaks and weekend stays. Currently, parts of the Wintons Fishery business are only in use seasonally so the addition of new unique tourist accommodation will allow the business to attract a new demographic to the area and stay in operation year-round, making it an excellent option for visitors to retreat in nature and access everything the local area has to offer in all seasons. This will also benefit other local businesses, services and tourist attractions through increased visitor spend in the surrounding area.'

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 and the Site Allocations Development Plan Document (DPD).

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
DP14 - Sustainable Rural Development and the Rural Economy
DP19 - Sustainable Tourism
DP26 - Character and Design
DP37 - Trees, Woodland and Hedgerows
BD38 - Biodiversity
DP41 - Flood Risk and Drainage

Site Allocations DPD

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.

Neighbourhood Plan

The site falls outside of the Burgess Hill Neighbourhood Plan and therefore this is not relevant to the consideration of the application.

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 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.

Relevant policies:

DPC1: Countryside

DPS1: Climate Change

DPS2: Sustainable Design and Construction

DPS4: Flood Risk and Sustainable Drainage

DPN1: Biodiversity, Geodiversity and Nature Recovery

DPN2: Biodiversity Net Gain

DPN4: Trees, Woodland and Hedgerows

DPB1: Character and Design

DPE8: Sustainable Rural Development and the Rural Economy

DPI6: Community and cultural facilities and local services

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.

National Planning Policy Guidance

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 neighbouring amenities

- Highways
- Flood risk and Drainage
- Trees
- Ecology and Biodiversity Net Gain
- Sustainability
- Ashdown Forest

Principle

Wintons Fishery is an existing fishery business with three fishing lakes (two outside of Mid Sussex), a members restroom chalet, store shed, maintenance work shed and offices including offices not associated with the fishing business.

The proposal seeks to create tourist accommodation in the form of 3no timber cabins to the southern part of the site which falls within Lewes District utilising the access and parking within Mid Sussex to the north of the site and having a permeable footpath leading from the car park to the southern part of the site and low level bollard lighting.

The proposed development is located within the countryside. As such policy DP12 of the District Plan is relevant. This requires proposals to maintain or enhance the quality of the rural and landscape character of the District and provided it is either for agriculture or is supported by a specific policy in the District Plan.

Policy DP14 of the District Plan relates to sustainable rural development and the rural economy. It supports new small-scale economic development, including tourism-related development, within the countryside.

Policy DP19 of the District Plan relates to sustainable tourism provided it supports the sustainable growth of the rural economy and maintains or enhances the quality of the rural and landscape character of the district.

The proposal is to provide 3 self-contained cabins for overnight tourist accommodation and seeks to diversify the existing fishery. It is considered that the proposed cabins are of a design and sensitively located so as to maintain the character of the countryside in this location. The additional works including the footpaths and lighting within the site to support the use of the cabins are also considered to be appropriate to the location of the site.

The site whilst within the countryside, is located close to the boundary of Burgess Hill and within a relatively sustainable location.

The proposal is therefore considered to comply with policies DP12, DP14 and DP19 of the District Plan.

Design and Impact on character of the area

One of the objectives of achieving sustainable development is to ensure that proposals '*contribute to protecting and enhancing our natural, built and historic environment*' (para 8, NPPF). In addition, the NPPF states that policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Policy DP26 in the District Plan relates to character and design. It requires all development and surrounding spaces to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. Proposals are required amongst other criteria to demonstrate that development '*is of high quality design and layout and includes appropriate landscaping and greenspace*' and also '*creates a sense of place while addressing the character and scale of the surrounding buildings and landscape*'.

It is considered that the proposal would maintain the character of the countryside and would be seen in association with the existing use of the site for fishing. Whilst the path alongside the lake would be formalised with two low level bollard lights, it is not considered that this would result in harm to the

character of the area considering the existing informal path and areas of hardstanding to the north of the parking area to serve the site. As the bollard lighting is low level with a PIR sensor, this would not result in harm to the character of the area.

The impact of the timber cabins is not a consideration for Mid Sussex but a matter for Lewes District Council who have a concurrent application.

The proposal is thereby considered to comply with policies DP12 and DP26 of the District Plan.

Impact on neighbouring amenities

Policy DP26 of the District Plan states in part that proposals should *'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'*.

There are dwellings to the west of the site alongside where the permeable footpath is proposed to lead to the cabins. There is an existing informal path used by the existing users of the site to provide access to the fishing lakes which this proposal would formalise. It is considered that there would be no further harm to the amenities of the residential occupiers through the creation of a permeable surface of this path. The proposed use would result in the existing leisure fishing carried out at the two lakes to cease, as such there would be a reduction in the number of people using this path. As such it is considered that the path would not cause significant harm to the amenities of neighbouring properties through a loss of privacy.

Whilst there are to be two bollard lights along this path, these are low level lights with PIR sensors so the light only comes on with movement. Due to the low-level lighting to face downwards, it is considered that this would not result in significant detriment to the neighbouring properties through light pollution.

Due to the scale and position of the building, the relationship with the neighbouring dwellings and screening on the boundaries, it is considered that the proposal would not result in significant detriment to neighbouring amenities through an overbearing impact, overlooking or a loss of privacy.

As such the proposal would not result in significant detriment to residential amenities and would thereby comply with Policy DP26 in relation to the residential amenities.

Highways

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

The site is accessed off Folders Lane by a long access drive which serves the fishing lakes and a number of dwellings. Within the existing parking area for the fishing lakes, 3 parking spaces are proposed to serve the glamping site. Servicing is to be accommodated as per the existing uses, within the current bin stores. It would be anticipated therefore that servicing vehicles would enter and exit the site as they do currently. There are no known highways safety concerns with this practise.

A supplementary traffic note accompanies the application which sets out that there would be over an 85% reduction in traffic compared to the existing fishery use as the fishing operations to the two lakes where the cabins are proposed would no longer be used by anglers part of the fishery. At present these two lakes can accommodate up to 14 anglers and it is estimated that there is 42 vehicle movements a day by anglers to these lakes. It is anticipated that the proposal would result in one vehicle per cabin and a maximum of 6 vehicle movements a day.

The Highways Authority has considered the proposal and raise no objection. They consider that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

The proposal is therefore considered to comply with Policy DP21 of the District Plan.

Flood risk and drainage

Policy DP41 of the District Plan seeks to ensure that sites can be satisfactorily drained and not cause drainage problems off site.

The site is located within an area of increased flood risk through surface water.

A Flood Risk Assessment accompanies the application. This sets out that the site is considered to be at low risk of flooding from surface water and that modelling indicates that predicted flooding is largely contained within the existing ditches along the site boundary. A further Hydraulic Modelling Note has been submitted which sets out that the site has safe access and egress during a design flood event and a flood warning and evacuation plan can be produced. As this would be in relation to the overnight accommodation which is a matter for consideration for Lewes District Council, a condition should be placed on their decision notice and not this application which is considering the parking and access paths.

In terms of drainage, the Design and Access Statement sets out that the cabins would be connected to the existing drainage solution for the Wintons Fishery buildings set to the north of the site which is connected to the public sewer. New pumping stations would be installed at the cabins and the rear of the existing fishery building to facilitate this.

The Council's Flood Risk and Drainage Team have considered the proposal and raise no objection.

The proposal is therefore considered acceptable in terms of flood risk and drainage and complies with Policy DP41 of the District Plan.

Trees

Policy DP37 of the Mid Sussex District Plan relates to trees, woodland and hedgerows and states in part that the *'District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan accompanies the application. This sets out that the proposal would result in the loss of two trees to facilitate this development. These are both identified as category C trees and are not a constraint to the development. These trees fall within the northern part of the site. The construction of a foul drain falls within the root protection areas for a number of trees. The tree report sets out that a precautionary approach to minimise the impact of the construction works would be carried out.

The submitted layout plan shows that additional native tree planting would be carried out to the south of the site within Lewes District.

The Council's Tree Officer has considered the proposal and raise no objection.

The proposal thereby complies with Policy DP37 of the District Plan.

Ecology and Biodiversity Net Gain

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Act, all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act, certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity. There is a requirement for no net loss to biodiversity. The policy does not, however, require a specified net gain to biodiversity from the resulting development.

The application is accompanied by a number of ecology reports including a Preliminary Ecological Appraisal and addendum note, a Bat activity survey report, a Great Crested Newts report and a Biodiversity Net Gain report.

The Councils Ecology Consultant has considered the information submitted and raise no objection subject to conditions. They consider that sufficient ecological information has been submitted to support the application. They support the non-licensed precautionary method statements in relation to Hazel Dormice, Otters and reptiles, mobile and protected and priority species and Water Vole. The mitigation measures can be secured by condition.

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)'.

The Councils Ecology Consultant supports the submitted BNG metric which shows that the development would result in a 10% increase in BNG. The submitted BNG report sets out that this increase would be onsite.

The proposal is thereby considered to comply with policy DP38 of the District Plan.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development. No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

PLANNING BALANCE AND CONCLUSION

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. The Development Plan in this instance consists of the Mid Sussex District Plan and the Site Allocations Development Plan Document.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposal is acceptable in terms of its principle and design which is appropriate to the rural character of the site. The proposal would not result in significant detriment to the amenities of neighbouring residential properties, and is acceptable in terms of parking provision and the impact on the highway as well as on the impact on trees and ecology.

The application would be considered to have a neutral impact on the Ashdown Forest.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP12, DP14, DP19, DP21, DP26, DP37, DP38 and DP41 of the District Plan and the provisions of the NPPF.

Decision: Permission

Case Officer: Joanne Fisher