

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2591	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Proposed creation of agricultural access.		
Site:	Amberley Farm, Bishopstone Lane, Ansty, Haywards Heath, West Sussex, RH17 5AR, ,		
Validation Date	13 Oct 2025	Overall Expiry Date:	1 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Dec 2025
Target Date:	8 Dec 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	3
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	4 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2591

**Amberley Farm, Bishopstone Lane, Ansty, Haywards Heath, West Sussex, RH17 5AR,
Proposed creation of agricultural access.**

Mr Tony Smith

SUMMARY OF REPRESENTATIONS

Four letters of representation were received in response to the initial set of plans. These raised concerns regarding:

- The accuracy of submitted plans
- The accuracy of the location plan
- Incorrect description of Bishopstone Lane
- Lack of requested information by WSCC consultation response
- The impact to trees and hedges
- The need for another access
- The future use of the site

Following the submission of revised plans, a further two letters of objections were received. These raised concerns regarding:

- The impact to drainage channels
- Change to the original plans
- Errors in the application form regarding trees and hedges

SUMMARY OF CONSULTEES

WSCC Highways Authority

The LHA has been re-consulted on this application following request for additional information with regards to the largest type of vehicle anticipated to utilise the access, demonstration of suitable access via swept path tracking and confirmation of gate positioning.

Transport Dynamics have submitted a Technical Justification Statement to address the information requested by the LHA. The Statement indicates that the access arrangement has been altered to provide a wider bell-mouth arrangement with a 4m kerbed radii. Swept path tracking has been provided, demonstrating a tractor utilising the access. The LHA are satisfied that a tractor could access the site under the revised arrangement without causing any damage to the public highway. This revised access arrangement would be subject to a S278 agreement with WSCC - an informative is provided below. The proposed gate will be situated at least 6m back from the carriageway edge which is considered to provide sufficient depth for a tractor to wait clear of the carriageway whilst the gate is operated.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition and informative should be applied:

Access

The use of the access shall not commence until such time as it has been constructed in accordance with the details shown on the drawing titled Proposed Agricultural Access and numbered PCD752/006.

Reason: In the interests of road safety.

PARISH COUNCIL OBSERVATIONS

The committee recommends that MSDC grant permission.

INTRODUCTION

The planning application seeks permission to remove an existing access and to create a new agricultural access.

RELEVANT PLANNING HISTORY

DM/24/2120- Erection of proposed machinery store building. Permission.

SITE AND SURROUNDINGS

The site is located within the countryside and it consists of an open field which is considered to be used for agricultural purposes. The site is accessed through an existing vehicular access to the southwest of the site.

The development site is located outside the built-up area boundary of Ansty. Bishopstone Lane is located to the west of the site, residential properties are located to the south of the site and open countryside is located to the north and east of the site. The existing boundary of the site consists of significant tree lines and hedgerows. The locality is predominantly rural in its nature with sporadic residential and agricultural development.

APPLICATION DETAILS

Full planning permission is sought to create a new agricultural access with new entrance gate and hardstanding area.

The gates would be set back from the access which measures some 3.8 metres in width. The hardstanding would measure some 44sqm. The access would be laid with tarmac and the railings would be timber post and rail with a timber 5 bar gate.

The existing access to the site would be closed and hawthorn hedge would be reinstated.

The proposed gateway would provide a safer access route for agricultural machinery for the land which is used for pasture, rather than using the existing smaller access serving the field currently to the south.

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, and*
- 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 the Hurstpierpoint And Sayers Common Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) 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
DP21 - Transport
DP26 - Character and Design
DP37 - Trees, Woodland and Hedgerows

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.

Hurstpierpoint And Sayers Common Neighbourhood Plan

The Hurstpierpoint And Sayers Common Neighbourhood Plan was made in 2015.

Relevant policies:

C1 - Conserving and enhancing character

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

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:

DPN4: Trees, Woodland and Hedgerows

DPC1: Protection and Enhancement of the Countryside

DPB1: Character and Design

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 overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

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

National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- o Principle of development
- o Design and Impact on the character and appearance of the area
- o Highways
- o Neighbouring Amenities
- o Impact to trees
- o Biodiversity Net Gain
- o Other matters
- o Planning Balance and Conclusion

Principle of development

Mid Sussex District Plan policy DP12 states in part:

"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 C1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

Paragraph 180 of National Planning Policy Framework in part states that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"*

The application complies with the first criteria of DP12, as it will provide an improved access for agricultural purposes. The Technical Justification Statement outlines that the existing agricultural access is too narrow for a tractor of 4.7m and 2.55m to enter due to a constrained angle of approach. The statement sets out that the proposed access arrangement would allow a tractor of this size to enter and exit the existing agricultural field.

Design and Impact on the character and appearance of the area

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:

- o is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

The concerns regarding the loss of hedgerow are noted. Whilst the loss of the existing hedgerow is regrettable, it is not considered harmful enough to warrant the refusal of the application. Furthermore, it is considered that the proposed landscaping arrangement would soften the appearance of the access.

It is therefore considered that the proposal will be sympathetic to the rural character of the area and hence would comply with the above policies.

Highways

Policy DP21 seeks to ensure that development *'protects the safety of road users and pedestrians'*.

WSCC Highways were consulted on the application and have provided a response.

In response to the initial set of plans submitted, the LHA requested that additional information be provided regarding the proposed type of vehicles that will be utilising the proposed access, and if necessary, to provide swept path tracking to demonstrate that larger vehicles (e.g. tractors with trailers) could utilise the access without causing damage to land considered publicly maintained highway. They also requested further details regarding the proposed gate setback.

Following the receipt of revised plans, the LHA have concluded that that this proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

Accordingly, subject to the conditions recommended by the Highways Authority, the scheme would comply with Policy DP21 of the Mid Sussex District Plan and the NPPF.

Neighbouring Amenities

Policy DP26 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 existing site is of an agricultural use and the existing residential dwellings within the locality are a significant distance from the siting of the proposed access. The nature of the proposed development is considered appropriate within an agricultural unit. There is significant boundary treatment surrounding the site and there are no proposed external lighting systems as part of this application.

Taking into account the above the proposal is not considered to cause significant harm to the amenities of existing nearby residents and future occupants including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. As such the proposal complies with above mentioned part of policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Impact to trees

Policy DP37 of the Mid Sussex District Plan in part states:

"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. Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted."

Concerns regarding the impact to trees and hedges are noted. The proposed works would not be within 15 metres of existing trees on the site. In addition, the proposal does not seek to remove any of the existing trees. Furthermore, the proposal includes a landscaping scheme to soften the proposed access and to reinstate a hawthorn hedge where the existing access is located.

Taking into account the above the proposal is considered to adequately protect the existing trees on the site and the proposal would comply with policy DP37 of the Mid Sussex District Plan.

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 comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

Other matters

A representation letter has been received which stated that the red line within the submitted location plan covers land that is not within the ownership of the applicant. A revised location plan was submitted which removed this land from the location plan. Furthermore, land ownership disputes are not dealt with through the planning system and the certificate submitted by the applicant must be taken on face value. Concerns were also raised regarding the future use of the site, however each application must be taken on face value and the future use of the site is not a material planning consideration.

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, the Site Allocations Development Plan Document and the Hurstpierpoint And Sayers Common Neighbourhood Plan.

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 considered to be appropriate in terms of design, size and scale to the locality, and would not cause harm to the surrounding area or to the amenities of neighbouring properties. The proposal would not have an unacceptable impact on highways and the proposal is considered to maintain the quality of the rural and landscape character of the District.

In conclusion, the proposal would accord with the requirements of policies DP12, DP21, DP26 and DP37 of the Mid Sussex District Plan and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin