

MID SUSSEX DISTRICT COUNCIL

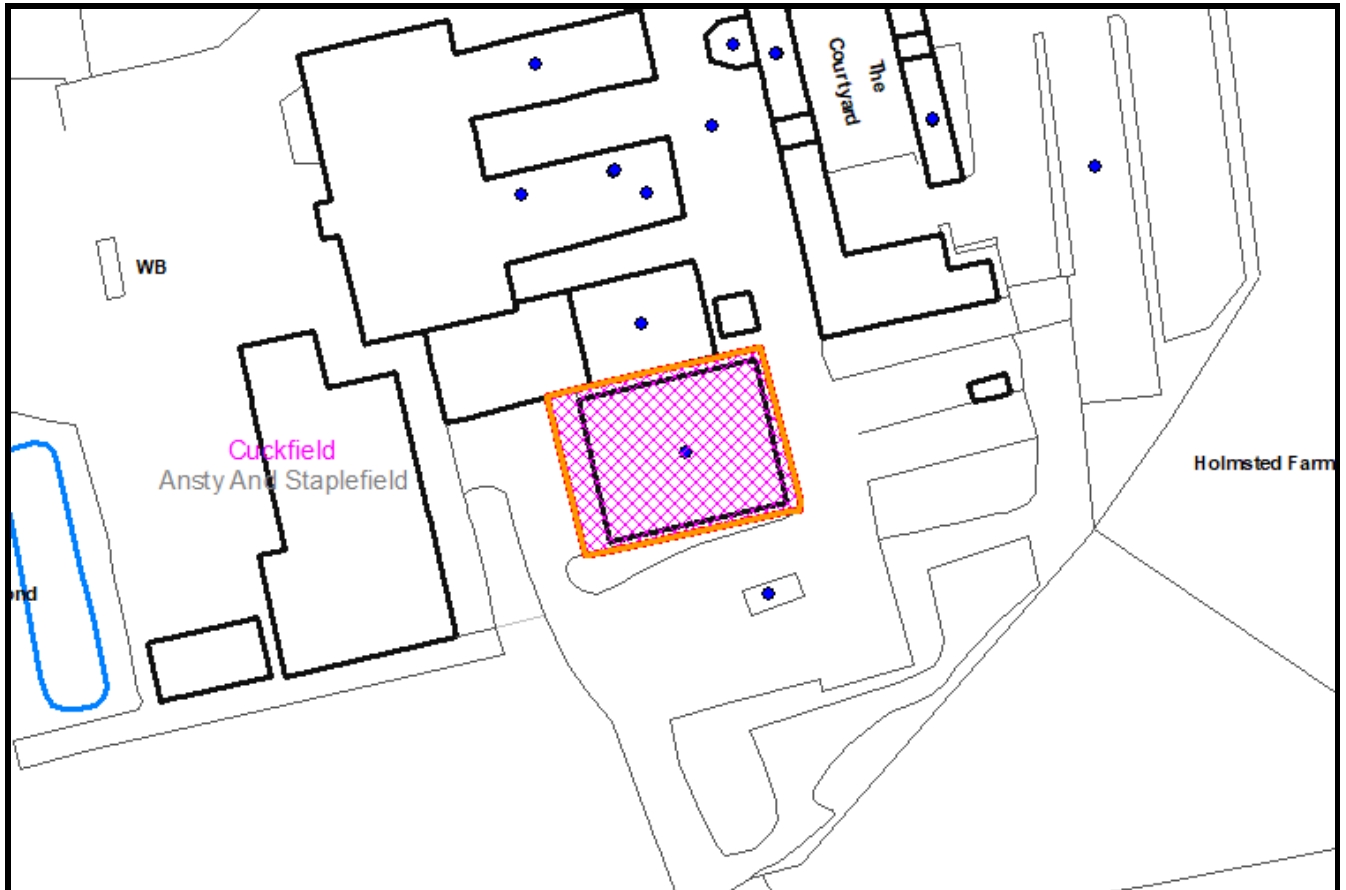
Planning Committee

30 MAR 2023

RECOMMENDED FOR PERMISSION

**Ansty And Staplefield**

**DM/22/2808**



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**THE GRAIN STORE HOLMSTED FARM STAPLEFIELD ROAD CUCKFIELD WEST  
SUSSEX RH17 5JF**

**CHANGE OF USE OF BUILDING FROM B8- STORAGE AND DISTRIBUTION TO E(G)(II)  
- RESEARCH AND DEVELOPMENT OF PRODUCTS OR PROCESSES. (AMENDED  
ELEVATIONS, PLANNING AND VENTILATION EXTRACTIONS STATEMENTS  
RECEIVED 21.10.2022). TRANSPORT STATEMENT RECEIVED 25.11.2022.**

**MR BEN SULIVAN**

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts /  
Countryside Area of Dev. Restraint / Aerodrome Safeguarding (CAA) /  
Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Minerals  
Local Plan Safeguarding (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

Minerals Local Plan Safeguarding (WSSC) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Change of Use  
8 WEEK DATE: 31st March 2023  
WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /  
CASE OFFICER: Rachel Richardson

**PURPOSE OF REPORT**

To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

**EXECUTIVE SUMMARY**

Please note that this is an updated version of the report published for the cancelled meeting of the 9th March 2023.

Planning permission is sought for a change of use of the grain store from B8- storage and distribution to E(g)(ii) - research and development of products or processes.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the District Plan (DP), Site Allocations Development Plan Document (DPD) and the Ansty and Staplefield Neighbourhood Plan (ASNP).

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.

Policy DP12 in the DP is the starting point and this policy allows for development in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character. Only minor external changes will be made to the building which will not change its physical appearance or building envelope.

Under Policy DP12, the proposal must also be supported by another adopted development plan policy.

DP policy DP1 gives priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).

Holmsted Farm comprises a number of buildings which have benefited from a change of use through farm diversification. The application building was granted permission for a change of use in 2022 for storage purposes. The proposed use is compliant with the above and is therefore acceptable in principle.

In terms of the High Weald Area of Outstanding Natural Beauty (AONB) and Countryside, the proposed use will satisfy the criteria of policy DP16 in the DP and policy AS3 of the Neighbourhood Plan. It will conserve the landscape character and not detract from the visual qualities and essential characteristics of the AONB in terms of location and design. There is

no public right of way within the vicinity of the application building.

In terms of residential amenity, no significant harm would result to the living conditions for households within the locality which are sporadically located and the nearest house is around some 70m away.

There are no objections raised from the Environment Agency (EA), Mid Sussex District Councils Environmental Health Officer, or West Sussex County Council in relation to environmental protection and highways matters. It is proposed to use the existing access.

The NPPF stipulates that the focus of planning decisions and policies should be related to the use of the land rather than on processes or emissions. Planning decisions should assume that other consenting regimes will operate effectively and the planning issues should not be considered in addition to the permitting regimes operated by pollution control authorities. An Air Quality Assessment has been prepared as part of the Environmental Permit application (to be assessed by the Environment Agency) for the proposed development. Although, notwithstanding this, the air quality assessment has concluded that the air pollution is of negligible significance.

The proposed development will provide a renewable energy scheme that is at its research and development initial phase which will not materially harm the air quality status of the Ashdown Forest.

The proposed development is compliant with the criteria of relevant Mid Sussex District Plan policies, the Site Allocation Development Plan and the Ansty and Staplefield Neighbourhood Plan. It is also compliant with the provisions contained within the NPPF.

Overall, and given the above, it is considered that the proposed change of use is acceptable and as such it is recommended that planning permission be granted.

## **RECOMMENDATION**

That full permission be granted subject to conditions listed in appendix A.

## **SUMMARY OF REPRESENTATIONS**

Letters of objection have been received from 4 households. Their concerns have been summarised as follows:

### **AONB Countryside**

- Light pollution/dark skies
- This is an industrial process suited to an industrial location
- Visual impact - the stack for emissions may be up to 35m high.

### **Residential Amenity**

- Human health - odour and pollution
- noise

### **Highways**

Road safety issues due to increased number of HGV movements

### **Policy conflict**

The applicant's submission offers conflicting information between the planning statement and application documentation. For example, the application states that heat and power can be used to benefit the local community. The Planning Statement states that heat will not be used, the power will be sold to the grid.

The Planning Statement makes strong misleading claims:

*'The Proposed Development will help reduce greenhouse gas emissions through its design, by enabling a process whereby heat and electricity will be produced and used by residential and commercial properties.'*

*'The planning application will support the local economy, providing a low carbon energy and heat source to support economic activity in the area''*

- How is the system able to provide a source of low carbon heat and will be carbon negative. There is no analysis of this. If it is carbon positive it will adversely impact the Net Zero aspirations that MSDC has for the District.
- Not sustainable development

### **SUMMARY OF CONSULTEES (full comments in appendix)**

#### **West Sussex County Council Highway Authority**

19.12.2023

No unacceptable impact on highway safety.

#### **West Sussex County Council Waste and Minerals**

No comment. The application does not meet the criteria for consulting WSCC.

#### **West Sussex County Council Fire, Water and Access**

No objection subject to complying with the relevant guidance.

#### **Environment Agency**

No objection.

#### **MSDC Environmental Protection Officer**

No objection subject to a condition to control noise.

### **PARISH COUNCIL OBSERVATIONS**

The Parish Council objects to this application on the following grounds:

- Likely to generate more HGV movements
- The stack will emit a plume of pollutants of ammonia, amines and nitrosamines for 2km all of which are cancer causing. The EA should monitor these emissions.

- The machinery in operation will emit by-products
- The elevated terrain will increase concentrations of pollutants extending up to Staplefield village and across the golf course and down to Deakes Lane
- The businesses operating at Holmsted Farm will be more seriously impacted by pollutants.

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## **INTRODUCTION**

The application proposes a change of use of the grain store from B8- storage and distribution to class E(g)(ii) - research and development of products or processes.

## **RELEVANT PLANNING HISTORY**

02/00963/FUL - Rebuild demolished cow shed for ancillary office (B1 Use). Permission.

05/00503/FUL - Demolish steel frame barn and erect offices and bed sit accommodation. Permission.

08/01213/FUL - Creation of reedbeds and ponds to be used for fishing and duck shooting associated with improvements to the surface water and cattle slurry management arrangements at Holmsted Farm. Permission.

DM/15/3408 - Change of use of part of agricultural barn for B2 and B8 use. Namely agricultural machinery repairs, sales and distribution together with associated parking and display area. Permission.

DM/20/1529 - Change of use of agricultural building to a car body repair workshop (Use Class B2). Permission 21.08.2020

DM/20/2018 - Change of use of agricultural building to 4 x commercial units, 1 x fitness studio (Use Class D2), 1 x car polishing workshop (Use Class B1) (retrospective) and 2 x flexible commercial use (Use Class B1/B8/D2). Including siting of associated external toilet block and provision of car parking with alterations to door, windows and external staircases. Pending consideration.

DM/22/0201 - 10 bell tents, 1 stretch tent and car parking. Permission 31.03.2022

DM/22/0443 - Change of use from Agricultural Grain Store to storage use (Class B8) (amended 27.04.2022). Permission 23.05.2022

## **SITE AND SURROUNDINGS**

Holmsted Farm is located off the western side of Staplefield Road and to the north of Sloughgreen Lane, within the countryside and the High Weald Area of Outstanding Natural Beauty (AONB).

The main farmyard of Holmsted Farm consists of a large complex of buildings which are of agricultural forms, materials and designs. However, there has been significant diversification over time with a number of commercial uses in operation within the buildings which include, a gym, car workshop, offices, storage, and light industrial (use classes E, B2 and B8) with a site office. The farm is accessed via an extended drive which continues through the farmyard to the fields beyond.

The application relates to an agricultural building referred to as a grain store. It is a large metal clad structure (with a gross internal floorspace area of 669 sq.m) located at the southern end of the complex of farm/commercial buildings (no.19 - 'The Corn Store' on the site layout notice board on entering the site).

It has a pitched roof and three openings on the western elevation which includes two roller shutter openings. To the front (west) of the building is an area of hardstanding that connects to an access road that runs in a circular route around and between the complex of farm buildings. The track leading to the south accesses the bell tent permission (DM/22/0201).

The levels slope uphill in a southerly direction from the north and also across the farm in an easterly direction from the west.

The access connects to the public highway on Staplefield Road to the east. To the north and east of the site are farm buildings, most of which have benefited from a change of use as part of a farm diversification programme, there are farm buildings to the west with fields beyond, and fields to the south.

The locality is characterised by loose knit sporadic development with large areas of woodland and open fields. The properties within the area consist of residential, and agricultural, equestrian and commercial properties.

## **APPLICATION DETAILS**

The external changes proposed to the grain store building includes a flue stack of around 0.3m high (east elevation) , an air inlet (north) of around 0.3m high (and both below ridge height), water treatment vent (east), a cooler outlet and dryer outlet would be installed into the southern elevation. The flue stack and ventilation ducts will be made from stainless steel.

The facing walls will be finished with olive green cladding over concrete panels all covered with serpentine roof sheeting.

The existing building has a floor area of 669 sqm which will remain the same. There is no existing parking and none proposed. Car parking for staff and visitors will be accommodated within the existing shared car park, accessed from the existing southern entrance onto the B2114, Staplefield Road.

There will be a total of two full-time staff employed at the site.

The application proposes the introduction of a system called 'BIOCUSS' which captures carbon dioxide from the burning of waste wood and converts it into heat and power which can then be used in agriculture as animal feed or fertiliser and the carbon dioxide can then be used in the production of low- carbon concrete, aggregates or in the making of chemical compounds where it can potentially remain permanently trapped (carbonates).

The flue gas produced from the process is rich in carbon dioxide. This gas is passed into the carbon capture unit where the CO<sub>2</sub> is removed using an amine-based absorption-stripping process. The carbon capture unit generates two streams, exhaust gas (with the majority of CO<sub>2</sub> removed) and a CO<sub>2</sub> rich gas stream. The aim is for the carbon dioxide from the project to be transported and converted to a permanent end-product, for example CO<sub>2</sub>-cured concrete. If this is not possible for local supply-chain reasons, the CO<sub>2</sub> can be supplied to the carbonated drinks industry.

The process description in the planning statement includes a flow chart to illustrate how the waste wood feeds into the system is combusted and then gets converted into carbon dioxide

having been through a hot air turbine. The hot air turbine produces the heat and electricity. Carbon dioxide is removed from the flue gas through chemical absorption.

The application is supported by an amended planning statement and amended ventilation and transport statements. Noise Impact and Air Quality Assessment Reports have also been submitted. This application has been made following pre application advice being sought.

The applicant is Ricardo PLC a global strategic engineering and environmental consultancy that specialises in the transport, energy and scarce resources sector. Ricardo has partnered with Bluebox Energy and Woodtek Energy to develop this biomass pyrolysis-based system with carbon capture, utilisation and storage which captures 95percent of the carbon dioxide in the raw materials and at the same time supplies homes and local businesses with renewable heat and electricity.

## **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) And 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, the Site Allocations Development Plan Document and Ansty, Staplefield and Brook Street 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.

### **Mid Sussex District Plan**

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP1 - Sustainable Economic Development  
DP12 - Protection and Enhancement of Countryside  
DP16 - High Weald Area of Outstanding Natural Beauty  
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)  
DP21 - Transport  
DP26 - Character and Design  
DP29 - Noise, Air and Light Pollution  
DP39 - Sustainable Design and Construction  
DP40 - Renewable Energy Schemes

### **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.

SA38 - Air Quality.

### **Neighbourhood Plan**

ANSTY, STAPLEFIELD AND BROOK STREET NEIGHBOURHOOD PLAN (made February 2017)

Relevant policies:

AS3 - High Weald Area of Outstanding Natural Beauty

### **Mid Sussex District Plan 2021-2039 Consultation Draft**

The District Council is now in the process of reviewing and updating the District Plan. The new District Plan 2021 - 2039 will replace the current adopted District Plan. The draft District Plan 2021-2039 was published for public consultation on 7th November and the Regulation 18 Consultation period runs to 19th December 2022. No weight can currently be given to the plan due to the very early stage that it is at in the consultation process.

#### *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 2019 - 2024

#### National Planning Policy Framework (NPPF) (July 2021)

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. This means ensuring sufficient land of the right type to support growth, providing a supply of housing and creating a high quality environment with accessible local services, and using natural resources prudently.

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 38 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 47 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*

### *Ministerial Statement and Design Guide*

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

## **ASSESSMENT**

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

- Principle
- Impact on AONB and countryside
- Design
- Impact on residential amenity
- Highways
- Ashdown Forest
- Pollution
- Renewable Energy
- Planning Balance and Conclusion

## Principle

The application site is located outside of a defined built up area boundary and is therefore within the countryside. Policy DP12 in the DP is therefore the starting point because it relates to development within the countryside and 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 agriculture, or*
- *It is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

The proposal therefore needs to be able to comply with the two limbs of this policy both in terms of maintaining the quality of the rural landscape character and either being necessary for agriculture or being supported by a specific policy elsewhere in the plan.

Mid Sussex District Plan (MSDP) Policy DP1, Sustainable Economic Development is this specific policy which states that its strategic objectives are:

*'To promote a place which is attractive to a full range of businesses, and where local enterprise thrives, and 8) To provide opportunities for people to live and work within their communities, reducing the need for commuting.*

*The policy seeks to encourage inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries,*

*Effective use of employment land and premises will be made by*

- *Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan, and*
- *Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).'*

NPPF paragraph 81 (under section 6 Building a strong, competitive economy) states,

*'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation<sup>42</sup>, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'*

(Footnote 42 states 'The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these:

artificial intelligence and big data, clean growth, future mobility, and catering for an ageing society. HM Government (2017) Industrial Strategy: Building a Britain fit for the future.')

Paragraph 84 relates to a prosperous rural economy and states,

*'Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings,*
- b) the development and diversification of agricultural and other land-based rural businesses,*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside, and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

The planning history from other applications advises that Holmsted Farm was primarily a dairy farm until circa. 2010 when the viability of the farm was affected by milk prices. Following this, the farm has focused on arable production and has diversified some of the redundant farm buildings into business use. It is intended to consolidate the arable farm enterprise to the west of the farm complex in order to ensure it becomes more efficient and so buildings can be used effectively. This has also provided the opportunity to diversify some of the farmland and buildings to support the continued viability of the farm.

The grain store the subject of the proposed change of use is a large building within the farm complex and as said above many of the surrounding farm buildings have already benefited from obtaining permission for alternative uses.

The use in this building is considered to be a low key suitable use given the location and surrounding uses. As such, and given that it would already be surrounded by other existing commercial uses which cumulatively are of a larger scale, the scale of this use is considered to be acceptable and relatively small.

The proposed development uses waste wood, sourced as locally as possible to the site in Cuckfield thereby supporting sustainable growth.

At this stage of the use, which is low key and for research and development, the proposed change of use will generate jobs for two employees. This, albeit small level of employment, will support the local economy and the farming enterprise on site. It also has potential to create more jobs in the future.

Paragraph 2.1 detailing site information in the amended planning statement describes the site as being sustainably located with it being easily accessible by car from Cuckfield (6 minute drive), Haywards Heath (15 minute drive), Horsham (20 minute drive, Burgess Hill (about a 15 minute drive and Crawley (also about a 15 minute drive). It is acknowledged that construction of the plant would temporarily result in a small increase in road traffic, but the development would be located in an area that would not have a direct impact on any village or town centre. Employees and visitors to the site would be likely to drive there and therefore the site is not as sustainably located in relation to transportation as those within built up areas with good access to public transport. Nonetheless, the NPPF recognises in paragraph 105 that *... opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.'*

The principle of the proposed use is therefore acceptable in this location and is in accordance with the criteria of the above mentioned adopted development plan policies and the National Planning Policy Framework.

### **Impact on AONB and countryside**

The application site is located within the High Weald AONB. The legal framework for AONB in England and Wales is provided by the Countryside and Rights of Way Act 2000. Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. It also 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'*.

DP Policy DP16 states that:

*'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular,*

- *the identified landscape features or components of natural beauty and to their setting,*
- *the traditional interaction of people with nature, and appropriate land management,*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB, and*
- *the conservation of wildlife and cultural heritage.*

*Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.*

*Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'*

NP Policy AS3 states that development proposals in the HWAONB must demonstrate how they:

- *'conserve and enhance the natural beauty of the AONB area, and*
- *demonstrate how they meet the objectives of the High Weald AONB Management Plan, and*
- *for major development, proposals must include an assessment of:*

*a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy,*  
*b) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way, and*  
*c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

Para 174 of the NPPF, Conserving and Enhancing the Natural Environment. Para 174 (b) states that,

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

*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.'*

Paragraph 176 states,

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*

As the planning statement confirms, the application building, known as the grain store, received planning permission in April 2022 for a change of use for B8 storage purposes. There were no physical changes approved to this building at that time. The building is located on a farm and amongst a group of other buildings, the majority of which have benefited from a change of use hosting a range of small and medium enterprises (SME's) and business activity. The proposed change of use would sit well within this context and also result in minimal physical changes to the external appearance of the building whilst supporting the economy and social well-being of the AONB.

Visually, due to the low intensity (research and development) of the use proposed and the minor level of external changes required, it is considered that there would not be an adverse impact on the character of the countryside and the proposed change of use would conserve the High Weald AONB. There would be no external storage as part of the use proposed. It should also be noted that there are no public rights of way that intersect the site and the implementation of this project will have little to no visual impact on the immediate vicinity or the characteristics and visual qualities of the AONB.

It is considered that the proposal would accord with the aims of policy DP16 in the DP and policy AS3 in the NP through allowing the re-use of the barn to accommodate farm diversification and through providing jobs.

## **Design**

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:*

- *is of high quality design and layout and includes appropriate landscaping and greenspace,*
- *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,*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape,*

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

In terms of design, the proposed development proposes minor external changes and is therefore not considered to have an adverse impact with regards to this matter. The amended proposed elevation illustrates a small flue stack below the ridge height to be added to the east elevation, an air inlet installed on the north elevation and dryer and cooler outlets to the southern side of the building. A water treatment vent would also be added to the east elevation. These are considered minor alterations and would not alter the building envelope through enlargement and would not change its appearance.

The application building would be amongst a group of existing buildings within the farm complex the majority of which have already undergone a change of use.

Policy DP39 in the DP states,

*'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:*

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation,*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible,*
- *Use renewable sources of energy,*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation,*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment,*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

The planning statement submitted with the application confirms that the development would provide energy to the grid, as well as generating heat for use as part of a low carbon community heat network. When fully operational the system would be carbon negative.

In operation the development would use waste wood as feedstock for energy and heat generation reusing materials that are by-products from other industries. The process used in the development produces energy, heat, and biochar. Biochar can be used in industry and

agriculture, thereby maximising the re-use of materials and keeping waste products during the operation of this process to an absolute minimum. This seeks to maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation.

As such, the proposed use is compliant with DP39.

### **Impact on residential amenity**

As stated above DP26 states that development should be required to demonstrate that it does not result in cause significant harm to the amenities of existing nearby residents.

DP29: Noise, Air and Light Pollution states:

*'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

*Noise pollution:*

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area,*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures,*

*Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

*In appropriate circumstances, the applicant will be required to provide:*

- *an assessment of the impact of noise generated by a proposed development, or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development,*

*Light pollution:*

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings,*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes,*

*Air Pollution:*

- *It does not cause unacceptable levels of air pollution,*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels,*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

*The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

Policy SA38: Air quality, of the SADPD is fully quoted below under a separate section of its own.

Paragraph 185 of the NPPF states that, *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life 65,*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason, and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

Footnote 65 - See Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food and Rural Affairs, 2010).

With regards to residential amenity, representations have been received expressing objection in relation to health and more specifically, the generation of noise, odour and pollution. Also, to road safety in respect of HGV movements generated. The issue on highways related matters will be dealt with separately below.

The nearest residential property is located some 70m away (Holmsted Farmhouse close to the entrance to the business park). Permission was granted in 2005 for a bedsit (some 15m away) in offices but this is for staff and training overnight stays and it is not a permanent dwelling. Properties are sporadic in terms of their location and relationship with the application building. The nearest population on mass is the town of Cuckfield, some 2km away (about 1.2 miles).

This application relates to the Research and Development phase of this project, which the applicant plans to complete by August 2024. The applicant has confirmed that, *'Up to this point there is no likelihood of this development expanding in size beyond the application as submitted. During this RandD phase, the plant will not be operational 24/7, 365 days a year, but will follow a development test plan over several months to calibrate the system and assess its performance. At the end of this phase, if the technology is found to be viable, we would then need to submit a new application for this site, changing its use class, probably to B2 (general industrial). In such an event, there would be further consultation and any concerns local residents have would be considered at that point.'*

### Noise

A Noise assessment has been carried out, including a Baseline Noise Survey, and an Assessment of mitigation measures. In operation this site is expected to produce 80dB within the building.

The Council's Environmental Protection Team has not objected to the proposed change of use in terms of noise impact. Your Planning Officer has no reason to disagree with the



assessment of the Environmental Protection Officer in relation to the noise impact of the development on residential amenity.

### Light

With regards to light pollution, the proposed development does not include any amendments to the permitted use of external lighting as granted by the earlier planning permission under DM/22/0443 (for storage). There is no external lighting proposed. This is therefore compliant with policy DP29 in the DP.

The applicant has confirmed that there will be no odour or light pollution emitted from the Proposed Development.

### Air Pollution

Policy SA38 in the Site Allocations DPD: Air Quality replaces District Plan Policy DP29 in relation to air quality. It states:

*'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.'*

*Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.*

*Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.*

*Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.*

*Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.*

*In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.'*

Paragraph 188 of the NPPF states that,

*'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on*

*a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'*

As said above the separate regime in this case is the Environmental Permitting (England and Wales) Regulations 2016. The use will be regulated by The Environment Agency who are the pollution control authority. The applicant has applied for an Environmental Permit, and as such the Environment Agency are aware of the proposals regarding this site. This decision is pending. The Environment Agency have been consulted on this application and have no objection.

The operation at this site will use a hydro-cyclone based wet scrubber to reduce smoke emission to very small values. A continuous Emissions Monitoring System will also be installed to provide immediate feedback on the emissions in the flue stack. As part of the operating procedures, a daily 'sniff test' will be carried out at the beginning of operation of the plant in line with the Environment Agency's Best Available Techniques.

An Air Quality Assessment has been prepared as part of the Environmental Permit application for the Proposed Development. It has also been submitted as supporting information in this planning application.

The Environment Agency has confirmed that an Environmental Permit (EP) is required which the applicant has already submitted and is currently being considered by their permitting team.

The main issue the EP would assess, is the combustion of fuel (even though the CO<sub>2</sub> emissions are effectively stored, there could be other by-products which could pose a threat to air quality), and potentially the storage of waste. However, the EA has commented that due to the nature of the use being small scale with it being for a medium combustion plant, any advice is likely to be advisory.

Para 1.2 (emissions to Air) in The Air Quality Report confirms the relevant pollutants to be considered within the air quality impact assessment are:

- Carbon monoxide (CO)
- Particulate matter (dust)
- Nitrogen oxides (NO<sub>x</sub>)
- Total volatile organic compounds (TVOC)
- Hydrogen Cyanide
- Formaldehyde

Pollutants specific to the carbon capture activity of the facility are:

- Ammonia
- Amines
- Nitramines
- Nitrosamines
- Acetaldehyde

The report confirms that the air quality impacts of the above mentioned pollutants have been considered in the air quality assessment report.

The applicant has confirmed that the process will produce very minor deposits of nitrogen and ammonia emissions into the atmosphere. Worst case scenarios, are 0.001g/s of

ammonia and 0.209g/s of NO<sub>x</sub> and the applicant does not anticipate that these will ever be reached. These are detailed in the Air Quality Assessment.

The air quality assessment has concluded that even with worse case assumptions adopted, the effects of the proposed facility are likely to be of negligible significance.

However, as said above it is for only one regime to regulate the air quality impacts. Paragraph 188 of the NPPF makes it explicit that pollution is not an issue for the consideration of the planning merits of this application proposal. Planning policies and decisions should only be made on the use of the land, rather than the control of emissions or pollutants.

For clarity, Part B activities (under Schedule 1, Part 2, Section 5.1 Part B (a) (v) The Environmental Permitting (England and Wales) Regulations 2016 ) are normally regulated by Mid Sussex District Council. The proposed use has a 1.3mw thermal input, and as new plant, it will come under the Medium Combustion Plant Directive (MCPD), and the regulator for this is the Environment Agency.

On this basis, it is considered that the application proposal is compliant with DP29, SA38 and the provisions contained within the NPPF.

Therefore, on the issue of residential amenity, the proposed use would not cause significant harm and there are no grounds on this issue to resist the proposed development. The proposal is compliant with policies DP26 and DP29 in the District Plan and policy SA38 in the Site Allocations DPD in this respect and weighs in favour of supporting the use proposed.

## **Highways**

Policy DP21 the Mid Sussex District Plan states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026,

which are:

- A high quality transport network that promotes a competitive and prosperous economy,
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time,
- Access to services, employment and housing, and
- A transport network that feels, and is, safer and healthier to use.
- To meet these objectives, decisions on development proposals will take account of whether:
  - The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy),
  - Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up,

- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages,
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable,
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded,
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements,
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation,
- The scheme protects the safety of road users and pedestrians, and
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.'

Paragraph 111 states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The Local Highway Authority (LHA) has considered the proposal in the light of small scale development. An existing access is to be utilised which is an established point of access of an adopted public maintained highway which has a national speed limit (60 miles per hour).

The applicant has provided TRICS data which confirms that the proposed use would generate up to 32 trips daily which is below the WSCC 50 trip quota stipulated in additional highway documents. The LHA has also confirmed that because of this the applicant was not obliged to submit a Transport Statement.

The applicant has confirmed that they don't anticipate there ever being a daily flow of 32 vehicles. On most days, the traffic flow will likely be 2 vehicles (4 movements) (one vehicle per stationed employee). They will probably be coming from the Shoreham area as they currently work at the Shoreham Technical Centre. There will be infrequent HGV deliveries of wood and to pick up waste material. The wood will likely be delivered to site from Balcombe Sawmill (approximately 6 miles away) and it is anticipated the waste disposal being somewhere in West Sussex (but this is currently unknown).

Parking is not proposed and is as per the existing arrangement. The applicant has confirmed that there is shared parking provision serving all of the units at Holmsted Farm, The LHA considers that parking can be accommodated within the site parameters and it is for the Local Planning Authority (LPA) to consider whether this presents an amenity concern. The LPA does not consider there to be an issue and material harm resulting from utilising an existing parking area for this location which currently benefits from various different uses. The buildings and hardsurfaced areas are all concentrated together and there would be no spread of the built form into the countryside.

The LPA does not consider the provision of cycle parking to be practical or necessary given the limited number of employees proposed and the location, which is on a road with a national speed limit. The employees are also being relocated from the Shoreham premises some 20 miles away.

The LHA considers 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 LHA has confirmed that the proposal is compliant with the NPPF and in their view there are no grounds to refuse permission. Your Planning Officer has no reason to disagree with this assessment.

Overall, it is considered that from a highways point of view the change of use is policy compliant and this weighs in support of the proposal.

### **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.

### **Renewable Energy**

DP40 - Renewable Energy Schemes states in part that:

*'Proposals for new renewable and low carbon energy projects (other than wind energy development - see below), including community-led schemes, will be permitted provided that any adverse local impacts can be made acceptable, with particular regard to:*

- *Landscape and visual impacts, including cumulative impacts, such as on the setting of the South Downs National Park and High Weald Area of Outstanding Natural Beauty, and the appearance of existing buildings,*
- *Ecology and biodiversity, including protected species, and designated and non-designated wildlife sites,*
- *Residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access.'*

The applicant has responded to the criteria set out in the above policy as follows:

*'The Proposed Development is a small-scale demonstrative renewable energy scheme, that if successful would become a proof of concept that the design could be rolled out nationwide. It will produce heat and electricity however, and these products would support energy security, respond to fuel poverty, and reduce carbon emissions within Mid Sussex District.*

*The development is not expected to have an impact on the High Weald AONB, the proposals require no new construction, and alterations to the existing premises will be minor. The development is not of a scale whereby the setting of the South Downs National Park will be impacted in any way. The only building that will have a slightly changed appearance is the existing building that would be used for the Proposed Development. The alterations to the appearance are explained in Section 1.1, would be very minor and would not alter the maximum height or extent of the building.*

*The proposed development is not located near any biodiversity or ecological designated areas. As no additional construction is required, no impacts are expected to be created.'*

*'The site is situated on a business park of SMEs and businesses, further than 500m from any residential property. The development is not expected to have any impact on residential amenity in the area. An air quality assessment has been submitted alongside this planning application, as has a ventilation and extraction statement. During operation, there will be no additional odour or traffic generation. Recreation will not be impacted. The site is on private*

*land and will not impact upon public access. The closest public right of way is over 300m from the Proposed Development.'*

A local resident has questioned the sincerity of the planning statement where it states that, *'The Proposed Development will help reduce greenhouse gas emissions through its design, by enabling a process whereby heat and electricity will be produced and used by residential and commercial properties.*

*The planning application will support the local economy, providing a low carbon energy and heat source to support economic activity in the area'*

A local resident has asked,

- *'How is the system able to provide a source of low carbon heat and will be carbon negative. There is no analysis of this. If it is carbon positive it will adversely impact the Net Zero aspirations that MSDC has for the District.*
- *Not sustainable development'*

The agent has responded to this as follows:

*'To understand how the technology is carbon negative, first it is important to establish the baseline scenario. The plant uses clean waste wood, from forestry operations, that would otherwise be used as mulch. If used as mulch, the carbon content in the wood is released to the atmosphere in 5-7 years as it biodegrades. The technology takes this waste wood and converts it to biochar, which is almost pure carbon and is very stable - the carbon in the biochar will remain for several hundred years.*

*Hence, when considering the carbon emissions from the baseline scenario compared to our intended use, the technology is carbon negative. It effectively takes carbon from waste wood and locks it away.*

*It is important to note that the funding for this scheme has come from the UK Govt. Department for Business, Energy and Industrial Strategy (BEIS), who are only funding it because of its carbon negative potential. The methodology has been submitted to BEIS who also agree it is carbon negative. A public version of this methodology will be issued in the spring. The biochar production process releases a hydrogen syngas which is captured, and can then be burned to produce low-carbon heat.'*

In November 2022 MSDC adopted a net zero target policy with a view to becoming net zero by 2050 in line with national legislation and policy.

The applicants, Ricardo, are an industry leading environmental consultant with strong green credentials that are helping Local Authorities and other organisations on their transition to a net zero future.

The applicant's are therefore working with the same goal and objective as MSDC and in accordance with their net zero aspirations.

Given the above, the proposal is considered to be compliant with DP40 and the provisions contained within the NPPF.

## **Other**

In respect of fire, access and water, the provision of water by means of a fire hydrant is not a planning matter and will be dealt with under building regulations. This is not a new development proposal it is a change of use in a location where other existing businesses

operate and there is an existing acceptable access. There are no planning grounds to resist the proposed change of use in this respect.

### **Planning Balance and Conclusion**

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex, the development plan comprises the DP, Site Allocations DPD and the ASNP.

Policy DP12 in the DP is the starting point and this policy allows for development in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character. Only minor external changes will be made to the building which will not change its physical appearance or building envelope.

Under Policy DP12, the proposal must also be supported by another adopted development plan policy.

DP policy DP1 gives priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).

Holmsted Farm comprises a number of buildings which have benefited from a change of use through farm diversification. The application building was granted permission for a change of use in 2022 for storage purposes. The proposed use is compliant with the above and is therefore acceptable in principle.

In terms of the High Weald AONB and Countryside, the proposed use will satisfy the criteria of policy DP16 in the DP and policy AS3 in the Neighbourhood Plan. It will conserve the landscape character and not detract from the visual qualities and essential characteristics of the AONB in terms of location and design. There is no public right of way within the vicinity of the application building.

In terms of residential amenity, no significant harm would result to the living conditions for households within the locality which are sporadically located and the nearest house is some 70m away.

There are no objections raised from the Environment Agency (EA), Mid Sussex District Councils Environmental Health Officer or West Sussex County Council in relation to environmental protection and highways matters. It is proposed to use the existing access.

The NPPF stipulates that the focus of planning decisions and policies should be related to the use of the land rather than on processes or emissions. Planning decisions should assume that these regimes will operate effectively and the planning issues should not be considered in addition to the permitting regimes operated by pollution control authorities. An Air Quality Assessment has been prepared as part of the Environmental Permit application (to be assessed by the Environment Agency) for the proposed development. Although, notwithstanding this, the air quality assessment has concluded that the air pollution is of negligible significance.

The proposed development will provide a renewable energy scheme that is at its research and development initial phase which will not materially harm the air quality status of the Ashdown Forest.

The proposed development is compliant with the criteria of relevant Mid Sussex District Plan policies, the Site Allocation Development Plan and the Ansty and Staplefield Neighbourhood



Plan. It is also compliant with the provisions contained within the National Planning Policy Framework.

Overall, and given the above, it is considered that the proposed change of use is acceptable and as such it is recommended that planning permission be granted.

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## APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.  
  
Approved plans
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans Referred to in Consideration of this Applications'.  
  
Reason: For the avoidance of doubt and in the interest of proper planning.
3. Unless otherwise agreed with the local planning authority, the use hereby permitted shall not come into use until post completion noise testing has been submitted to the LPA demonstrating that the noise rating level (L<sub>Ar</sub>, Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (LA<sub>90</sub>, T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting.  
  
Reason: To enable the Local Planning Authority to control the development in the interests of the character and amenities of the locality and to accord with Policy DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.
4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or as amended in the future, the use hereby approved shall remain as E(g)(ii) - research and development of products or processes and for no other use within class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (July 2020) .

Reason: The site lies in a Countryside Area of Development Restraint where the minimum development necessary should be permitted and to accord with Policy DP26, DP29, DP12 and DP16 of the Mid Sussex District Plan 2014 - 2031 and Policy AS3 of the Neighbourhood Plan.

## INFORMATIVES

1. I would advise you, however that consent may also be required under the Building Regulations. Such consent must be obtained before commencement of work. I would, therefore suggest that you should contact the Building Control Section of my Department in order to obtain further advice.
2. The applicant is reminded that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit from the Environment Agency.

### **Plans Referred to in Consideration of this Application**

The following plans and documents were considered when making the above decision:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Proposed Elevations			21.10.2022
Planning Statement	D16194	2	21.10.2022
Ventilation/Extraction Details			21.10.2022
Air Quality Assessment	ED16194	1	09.09.2022
Location Plan	ED16194002	1	09.09.2022
Location Plan	ED16194001	1	09.09.2022
Noise Impact Assessment/Sound	-	-	09.09.2022
Existing Elevations			15.09.2022
Existing Floor Plans			15.09.2022
Proposed Floor Plans			15.09.2022

## APPENDIX B – CONSULTATIONS

### Parish Council

14.12.2022

The Parish Council object because the transport study shows 32 lorry movements per day, which is c11000 per year on a road with a weight limit of 7.5 tonnes. The lorry movements are excessive for this road.

### MSDC Environmental Protection Officer

21.02.2023

Having reviewed original comments made by myself on behalf of the Environmental Protection team, I would now recommend that condition 2, regarding air quality is not attached.

Having looked through 'Air quality and emissions mitigation guidance for Sussex (2020)', the purpose of the condition is to deal with pollutants from transport, and the proposed development does not fit into the screening checklist for the condition to be applied. Emissions from the activities on the site should be dealt with via the necessary permit.

29.11.2022

The amended elevations, planning and ventilation extractions statements and Transport Statement do not impact on the comments that I have already made.

28.10.2022

The updated information does not alter my comments made on the 14th October 2022.

14.10.2022

I have read the noise report by Anglia Consultants, ref: A1275, dated 08/09/2022.

The report shows that the proposed plant is likely to be significantly below background at the nearest resident, and it therefore considered to be low impact. However, it is likely to be audible outside other business units, and with windows open it may be audible inside, but would be very unlikely to be intrusive, and would be well below the recommended guidance for noise levels in offices.

There is a judgment to make on whether that noise level to nearby business requires further mitigation. Given the character of the area, which appears to be a mix of offices, light industrial and storage, it is not perceived that this level of noise would impact the operation of nearby businesses.

I do note that the noise report does state that the expected noise levels could vary as there may be variations to the plant and machinery. It does recommend that 'noise levels should be monitored during the commissioning stage of the process, and mitigation measures recommended if the predicted noise levels are significantly exceeded'. As such, I would recommend that post construction noise testing be required via condition, which ensures that noise levels are acceptable prior to the business operating.

The applicant correctly identifies that this facility will need to be regulated as a Part B installation under Schedule 1, Part 2, Section 5.1 Part B (a) (v) with a permit that regulates emissions to air. However, Part B installations with emissions to air only are regulated by the council rather than the Environment Agency, and therefore any application and supporting information should be submitted to Mid Sussex District Council, and not the Environment Agency

Recommendation: approve with the following conditions

1) Unless otherwise agreed with the local planning authority, the use hereby permitted shall not come into use until post completion noise testing has been submitted to the LPA demonstrating that the noise rating level (L<sub>Ar</sub>,Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (LA<sub>90,T</sub>) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting.

2) Prior to the commencement of use of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied or used and shall thereafter be maintained in accordance with the approved details.

Informative - In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

## **Environment Agency**

06.12.2022

Dear Planning Team,

**CHANGE OF USE OF BUILDING FROM B8 - STORAGE AND DISTRIBUTION TO E(G)(II) - RESEARCH AND DEVELOPMENT OF PRODUCTS OR PROCESSES. (AMENDED ELEVATIONS, PLANNING AND VENTILATION EXTRACTIONS STATEMENTS RECEIVED 21.10.2022)**

**THE GRAIN STORE HOLMSTED FARM STAPLEFIELD ROAD CUCKFIELD**

Thank you for consulting the Environment Agency on the above application.

We have reviewed the information as submitted and set out our position below.

Environment Agency position

We have no objection to the proposal as submitted.

## Environmental Permit

Please note that this development may require an environmental permit, a variation of an existing permit or an exception from an environmental permit from us.

Further information can be found on the gov.uk website -  
<https://www.gov.uk/topic/environmental-management/environmental-permits>

The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) to obtain advice about environmental permitting matters.

Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit.

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Yours faithfully,

Miss Phoebe Nelson  
Sustainable Places Advisor

Direct dial: 02077141637  
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West Sussex County Council Highways

19.12.2022

RECOMMENDATION: Advice

S106 CONTRIBUTION TOTAL: n/a

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

I refer to your consultation in respect of the above planning application and would provide the following comments.

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

WSCC acting as the Local Highway's Authority (LHA) refer to your consultation in respect of the above planning application and would provide the following comments.

Site Context and History

The access onto the application site is located on Staplefield Road , an adopted public maintained highway.

The LHA would view said road to be set within a rural setting.  
The said highway is subject to a National Speed Limit. No current speed survey data is located within a reasonable distance of the access that would state otherwise.

#### Access

The site benefits from an established existing access point.

The applicant has provided TRICs data (a recognised industry standard). This concludes that the site would generate up to 32 trips daily. This is below WSCC 50 trip quota for additional highways documents. As a result, the submitted Travel Plan statement is not required.

#### Parking

Parking requirements for the site are between 3-4 spaces. Though not indicated, the LHA believes this can be accommodated within the site parameters and should be considered an amenity concern to be considered by the LPA.

The applicant has proposed a NIL cycle parking provision, the LHA advises the Local Planning Authority (LPA) that if they deem cycle parking justifiable then the applicant should show this in the form of lockable covered storage.

#### 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 111), and that there are no transport grounds to resist the proposal.

10.09.2022

#### Site Context and History

The access onto the application site is located on a Private Farm Track with an established access onto Staplefield Road, an adopted public maintained highway. The LHA would consider the context of the road to be within a rural setting.

Staplefield Road is subject to a National Speed Limit. No current speed survey data is located within a reasonable distance of the access that would state otherwise.

In terms of design parameters, the LHA consider the parameters of Design Manual for Roads and Bridges (DMRB) as guidance.

#### More Information Request

The Local Highways Authority (LHA) has viewed the submitted plans and documents. However, at this stage we would request that some additional information is submitted to allow further assessment from the highway's perspective. The LHA has provided comments below outlining the points raised.

## Primary Areas of Additional Information:

The LHA requests the applicant provides both a Transport Statement (TS) and Staff Travel Plan with the below points to be included in the TS document.

### 1. Trip Generation

The LHA requests the applicant provides anticipated trip generation for the existing and proposed uses using the industry recognised TRICs database.

### 2. Parking

The LHA requests the applicant provides the parking provision for the site for both existing and proposed uses. The applicant is advised that WSCC do not have standards for said use. As a viable alternative the LHA accepts the use of TRICs to determine the parking capacity of the site.

## Conclusion

Please raise the above with the applicant and re-consult. Until such time, the LHA are not in a position to provide final comments until we receive the requested information as stated above.

## **West Sussex County Council Waste and Minerals Safeguarding**

Thank you for consulting West Sussex County Council, Waste and Minerals on the above application.

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a no comment to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link:

<http://www2.westsussex.gov.uk/ssr/mwsfgrdngrsntn.ppsx>. To hear the audio, view the slides as a 'slide show'.

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).

28.11.2022

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The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a no comment to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins)

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## **West Sussex County Council Fire, Access and Water**

Dear Rachel,

Having viewed the plans for the planning application no. DM/22/2808 for the Change of use of building from B8- storage and distribution to E(g)(ii) - research and development of products or processes. (Amended elevations, planning and ventilation extractions statements received 21.10.2022), the nearest fire hydrant for the of water for fire-fighting is 355 metres away, 265 metres further than the 90 metres distance required for a commercial premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document – B (AD-B) Volume 2 2019 edition: B5 section 16.

Regards

Ian



Ian Stocks  
Water & Access Manager - Protection  
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**My pronouns are he/him/his** 

[Click here to find out why we use pronouns in our signatures](#)