



Appeal Decisions

Site visit made on 8 April 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2025

Appeal A Ref: APP/D3830/C/22/3312194 &

Appeal B Ref: APP/D3830/C/22/3312195

Upper Sparks Farm, Staplefield Road, Cuckfield, Haywards Heath, West Sussex RH17 5HY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Nicola Smyth on behalf of Cuckfield Golf Centre (Appeal A) & Mr Paul Smyth (Appeal B) against an enforcement notice issued by Mid Sussex District Council.
- The enforcement notice was issued on 27 October 2022.
- The breach of planning control as alleged in the notice is without planning permission:
 - 3.1 the material change of use of the Land from agriculture to a use of:
 - 3.1.1 storage of plant, building materials, machinery and materials and parking of vehicles in association with Cuckfield Golf Centre.
 - 3.1.2 the stationing of a portacabin and container upon the land.
 - 3.1.3 the siting of a fuel container on the Land.
 - 3.2 operational development comprising:
 - 3.2.1 the erection of a storage shed on the Land.
 - 3.2.2 the construction of an open storage bay on the Land.
 - 3.2.3 the laying of hardstanding on the Land. ("the Unauthorised Development").
- The requirements of the notice are:
 - 5.1 Cease the use of the Land for the storage of plant, building materials, machinery and materials and parking of vehicles in association with Cuckfield Golf Centre.
 - 5.2 Disconnect from all services (water, electricity, foul sewerage) the portacabin marked in the approximate position marked 'A' on the Plan
 - 5.3 Remove from the Land the portacabin and container sited in the approximate position marked 'A' and 'B' on the Plan
 - 5.4 Remove from the land storage shed sited in the approximate position marked 'C' on the Plan.
 - 5.5 Remove from the Land the fuel container marked in the approximate position marked 'D' on the Plan
 - 5.6 Dismantle and demolish the open storage bay, concrete base and surrounding timber sleeper wall marked in the approximate position marked 'E' on the Plan.
 - 5.7 Remove from the Land the timber post and wire fence marked between point 'F' and 'G' on the Plan.
 - 5.8 Remove the hardstanding from the Land.
 - 5.9 Remove from the Land to an authorised place of disposal all debris and materials as a result of compliance with steps 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 and 5.8 above.
- The period for compliance with the requirements is:
 - 7 days for compliance with requirement 5.1.
 - 28 days for compliance with requirements 5.2 to 5.7.
 - 3 months for compliance with requirements 5.8 and 5.9.

- The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decisions

1. The appeals are allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the:
 - The material change of use of the Land from agriculture to a use of storage of plant, building materials, machinery and materials and parking of vehicles in association with Cuckfield Golf Centre;
 - The stationing of a portacabin and container upon the land;
 - The siting of a fuel container on the Land; and
 - The operational development comprising the erection of a storage shed on the Land; the construction of an open storage bay on the land and the laying of hardstanding on the Land

at Upper Sparks Farm, Staplefield Road, Cuckfield, Haywards Heath, West Sussex RH17 5HY referred to in the notice, subject to the conditions in the attached schedule.

Procedural matters

2. I have also dealt with another appeal decision (Ref APP/D3830/W/22/3310444) on the same site relating to an appeal against a refusal to grant planning permission for a similar change of use to a storage area and a new storage building. That appeal is the subject of a separate decision.

Ground (a) appeal and the Deemed Planning Application (DPA)

Main Issues

3. The main issues are:
 - Whether the development is in a suitable location having regard to local and national policies concerned with rural economic development and sustainable tourism in the countryside; and
 - The effect of the development on the character and appearance of the area, with particular regard to the location within the High Weald Area of Outstanding Natural Beauty (AONB); and
 - The effect of the development on drainage and the risk to land and water contamination.

Reasons

Suitability of the site

Background to the appeal site, the golf club and the appeal development

4. The main part of the appeal site relates to a rectangular parcel of land, approximately 0.2ha in area, which lies immediately adjacent to the main golf course operated by Cuckfield Golf Centre (CGC). The site has hedging to its northern and eastern boundaries. To its southern boundary lies a row of mature hedging and trees behind which is a paddock associated with Hammerpond Farm. The appeal site falls within the countryside and within the High Weald Area of Outstanding Natural Beauty (AONB). The appeal site occupies a prominent position with extensive views from the southern end of the site across the Ouse valley to the north.
5. The surrounding area beyond the appeal site contains a number of sporadic residential dwellings, together with the Cuckfield Pet and Country Store to the south and formal playing fields used by Haywards Heath Rugby Club on the southern side of Staplefield Road. Immediately adjacent to the appeal site itself, is the Clubhouse, which is built of brick with timber weatherboarding construction. The Clubhouse includes an outdoor terrace and ancillary storage in the basement used in connection with the CGC. The CGC is open to the public with public footpaths running across Golf course.
6. CGC an established rural sports facility comprising a nine-hole golf course, covering approximately 45 hectares of undulating countryside within the AONB, located close to the village of Cuckfield. CGC is open to members as well as walk in, pay and play customers, whether they are local residents or visitors to the area. The centre provides coaching sessions for all, including men, women, seniors and children from the age of five upwards, with these lessons being taught by one of the two PGA professionals at the site.
7. The CGC has also run a golfing programme with schools in the local area and offers school holiday golf camps for juniors, thereby clearly widening access for all members of the community to sporting facilities and helping to raise and promote the benefits of physical activity. The appeal site and CGC is accessed from the Staplefield Road. The CGC is predominantly open with maintained grass fairways and greens with existing elevated 'tee boxes' interspersed with pockets of woodland, predominately around the ponds in the middle of the course and around the boundaries of the site.
8. The Enforcement Notice has been served against the storage of plant, building materials, machinery and materials and parking of vehicles in association with Cuckfield Golf Centre, together with the stationing of a portacabin and a container, storage shed, a fuel tank and the construction of an open storage bay and the laying of hardstanding on the appeal site. All of these structures and items are related to the maintenance operation and upkeep of the greens/fairways at the CGC and are essential to the effective running of the Golf Club.

Rural Economic Development and Sustainable Tourism in the Countryside Policy Context and Assessment

9. The primary objective of the Mid-Sussex District Plan 2014-2031, 2018 (MSDP) with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well-designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment.
10. Policy DP12 of the MSDP states that development will be permitted in the countryside, 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.
11. MSDP Policy DP19 states that tourism related development in the countryside including extensions to existing facilities will be permitted provided it supports the sustainable growth of the rural economy and maintains or where possible enhances the quality of the rural and landscape character of the District. The supporting text to this policy highlights that tourism makes an important contribution to the economy of Mid Sussex.
12. Similarly, Policy DP14 of the MSDP seeks to support new small-scale economic development, including tourism-related development, within the countryside. Furthermore, MSDP Policy DP24 supports development that provides new and/or enhanced leisure facilities. The supporting text clarifies that this policy supports the provision of additional facilities as well as protecting existing facilities.
13. In terms of National Planning Policy Framework, 2024 (the Framework) Paragraph 85 highlights that 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.
14. In respect of the rural economy, Paragraph 88 of the Framework states that decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, through.... 'well-designed new buildings;' 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.... sports venues.
15. Paragraph 89 of the Framework further states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.
16. The Council issued the Notice partly on the basis that the development is unrelated to the needs of agriculture and unnecessary for the operation of the CGC. The Council also state that dedicated storage and welfare facilities have already been approved in the basement area of the club house, and that the use of the land in itself does not increase the facilities available to users of the golf club.

17. However, since the appellant's took ownership of the CGC at the beginning of 2019, the business has grown significantly in both staff numbers and membership. There has also been an increase in footfall from non-members who "pay and play." This demonstrates that the current owners have invested heavily in this rural sporting business.
18. The recent planning history for the site, further illustrates the investment and improvements which have taken place since the appellant's ownership of the CGC, namely the extensions and alterations to the club house, the extension to the driving range enclosure, the reconstruction of the practice putting green, the enlargement of various tees and improvements to the greens together with the installation of a new pathway network serving all holes. I appreciate that without maintained greens and fairways, this rural business is likely to suffer a decline in membership.
19. Furthermore, during the site visit I observed that the basement area was already operating at full capacity with machinery, storage and equipment used in connection with the CGC. The customer parking area was also fully occupied at the time of my site visit, and there was no space available for storage of maintenance vehicles and machinery.
20. The storage area, plant and machinery, portacabin, container and fuel tank on the land are therefore necessary to support this growing sporting/leisure facility and will enable the following:
 - Storage of machinery, required as the golf course continues to improve;
 - The open storage bay is used to store sand top dressing for the greens and the fuel container contains the fuel used in the tractors which maintain the golf course.
 - Fertiliser and pesticide storage area keeping these chemicals away from the Clubhouse;
 - The Storage of maintenance vehicles used to maintain the land for both the golf club and the surrounding land, since this cannot be moved in and out from under the terrace at certain times of the day;
 - The portacabin is currently being used as an area in which to provide staff welfare facilities. It provides a small, separate self-contained covered area where the groundsmen/greenkeepers can take a break, sit and have their lunch in inclement weather and use the WC facilities/wash basin.
21. All of these structures and items are related to the maintenance operation and upkeep of the greens/fairways at the CGC and are essential to the effective running of the Golf Club. I accept that keeping the above away from the clubhouse allows the maintenance of the grounds to be undertaken without harming the visitor experience, in terms of visual and noise disruption. Therefore, the storage and maintenance assists the overall running of the golf club by allowing the discreet storage of maintenance equipment, materials, and tractors. Such a facility directly improves the club's maintenance offer, providing a tourism and leisure facility that can be kept in good condition throughout the year thus providing an improved tourism and leisure facility for the District.

22. The welfare facilities within the development also provide additional facilities for staff members. Therefore, the development supports the growth of this rural enterprise and in turn the rural economy, whilst improving the sporting venue. The success of this leisure activity requires that the land be well maintained. Thus, the ancillary storage and maintenance area is intrinsically related to the adjacent Golf Centre, and thus essential to its countryside location.
23. In terms of the principle of the development, the economic benefits of the development are clear, and the development is in conformity with paragraphs 85, 88 and 89 of the Framework, and MSDP Policies DP12, DP14, DP19 and Policy DP24 which support sustainable tourism, enhanced sport and leisure facilities, and economic development including within the rural areas and through the creation of new buildings. In particular, I attach significant weight to paragraph 85 of the Framework which states that 'significant' weight should be given to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Character and appearance

24. The Framework states that "decisions should contribute to and enhance the natural and local environment by a) protecting and enhancing valued landscapes, sites of biodiversity.... b) recognising the intrinsic character and beauty of the countryside." The Framework also states that "great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads, and National Landscapes which have the highest status of protection in relation to these issues."
25. The High Weald AONB Management Plan 2019-2024 (AMP) explains that the AONB is an area of ancient countryside and one of the best surviving Medieval landscapes in Northern Europe. The mosaic of small mixed farms and woodlands is now considered to represent a quintessentially English landscape. The appeal site lies within the areas described as Field and Heath. The High Weald comprise a detailed agricultural tapestry of fields, small woodlands and farmsteads, which is cherished for its scenery, tranquillity and wildlife. The Medieval pattern of small fields with sinuous edges surrounded by thick wooded hedges, remain. Extensive views punctuated by church spires can be glimpsed along the ridge-top roads.
26. The following relevant Objectives set out in the AMP, are relevant to the current development.
- FH2 - "To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands."
 - FH3 - "To enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats...."
 - QQ3 - "To develop and manage access to maximise opportunities for everyone to enjoy, appreciate and understand the character of the AONB while conserving its natural beauty."
 - OQ4 - "To protect and promote the perceptual qualities that people value". The rationale for this is "to ensure that the special qualities people value, such as tranquillity, dark skies, sense of naturalness and clean air, are recognised."

27. Cuckfield Landscape Character Assessment, 2012¹ (CLCA) describes the character area of Sparks Farm and the Golf Course as mainly of large parcels of land with limited boundary vegetation, golf course, plus small area of paddocks and buildings adjacent to Staplefield Road. The Golf course represents a significant outdoor recreational resource, which limits the tranquillity and remoteness. Nevertheless, character area forms relatively open and rural setting to the Ouse Valley and wider AONB to the north.
28. During the site visit I observed that the portacabin, container, shed, fuel tank and storage of other materials and machinery on the appeal site, ancillary to the adjacent CGC, comprise predominantly small-scale and low-lying structures, items and are well screened on the site by existing trees and hedgerows.
29. Indeed, since these appeals were first lodged in 2022, the appellant has undertaken significant landscaping around the perimeter of the appeal site comprising a new hedge on its northern and eastern boundary which harmonises with the surrounding landscape character of the AONB. In combination, these works effectively screen the storage and maintenance area from public views from across the golf course, including the PROW 44CR, running through the golf course, as well as from PROW 33CR, approximately 2km to the north. Furthermore, the existing mature trees and landscaping along the southern boundary of the site screens the storage area and portacabin, container and associated items from the dwelling to the south of the site at Hammerpond Farm.
30. In addition, the storage facilities are located on a relatively small part of the wider appeal site, and immediately adjacent to the cluster of buildings around of the clubhouse and terrace, and the driving range building. Therefore, despite the appeal site's elevated position with significant views across the Ouse Valley, the change of use of the site to a storage and maintenance yard, preserves views from the surrounding countryside area. Therefore, the development accords with Objective QQ3 of the AMP. This is also in accordance with Objectives FH2 of the AMP in terms of the new hedgerow planting which has been installed around the perimeter of the appeal site.
31. The agricultural land of the appeal site is not considered to be of Grade 3a or above and does not comprise species rich grassland or low lowland heath type character. The new hedgerows planted improve the lack of species diversity, in general conformity with Objective FH3 of the AMP.
32. With regard to tranquillity of the AONB, the CGC is an established lawful leisure activity in the AONB and provides recreational facilities for the community. The storage and maintenance area located directly adjacent to the Cub House would concentrate the operational activities in one area away from the more sensitive visible areas to the north and east of the Club House. Overall, the storage area surrounded by landscaping appears as a modest extension to the overall CGC.
33. With regard to concerns relating to the effect of the development on the intrinsically dark countryside, the appellant explains that the lighting will be low level lighting, and no floodlights are proposed to the external areas. Where

¹ Prepared by Landscape Architecture Masterplanning Ecology, commission by Cuckfield Parish Council to inform preparation of the Cuckfield Neighbourhood Plan.

external light is required for the safety of staff and visitors, lighting units would be modern LED type where light levels can be controlled by condition. Subject to this condition, the development is not considered to harm the dark skies and is in accordance with Objective QQ4 of the AMP.

34. I appreciate that a previous appeal was dismissed in 2012 in relation to an enforcement notice for the unauthorised material change of use of the land for the storage of wood and logs unconnected to the agricultural and associated retail farm shop².
35. However, that decision pre-dates the current appeal by some 13 years, and the area around the appeal site has changed significantly since then with the appellant's ownership of the golf centre in 2019. Such changes include the extensions and alterations to the club house, the extension to the driving range enclosure, the reconstruction of the practice putting green, the enlargement of various tees and improvements to the greens together with the installation of a new pathway network serving all holes. As well as implementing the above planning permissions, the appellant has undertaken environmental and ecological improvements across the golf course which includes planting of additional trees and new hedgerows. As such, the wider site and surroundings has changed since the last appeal decision in 2012.
36. In order to undertake the above works, the golf club have employed additional groundsmen/greenskeepers with an increase in the appropriate materials, machinery and maintenance vehicles necessary to undertake these works. Indeed, I was able to observe on site, that new landscaping works had recently been installed around the perimeter of the appeal site which already screens the current storage area from wider public views. Furthermore, the previous appeal was for the change of use of the site for the storage of logs and woods which is different than the development before me. For the above reasons I attach little weight to the previous appeal decision.
37. Consequently, I do not consider that the development harms the natural beauty of the AONB as it preserves the rural character of the locality and in turn the natural beauty of the area. It therefore complies with MSDP Policies DP12, DP16, DP19, DP26 and DP29, and Policy AS3 of the Ansty, Staplefield and Brook Street Neighbourhood Plan (NP). Taken together these state that the countryside will be protected in recognition of its intrinsic character and beauty; that development within the AONB will only be permitted where it conserves or enhances natural beauty and has regard to the AMP; that development is of high-quality design and layout and includes appropriate landscaping and greenspace; and that 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.

Drainage and the risk to land and water contamination

38. Paragraph 196 of the Framework states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. The land is used for the storage of machinery and a fuel tank for use with machinery, and there is

² Appeal refs: 2160887 and 2160888.

currently no provision for surface water or foul drainage. Therefore, in the absence of these, the Council raised an objection that without provision for satisfactory drainage, screening and separation of pollutants the potential for contamination from oils, fuels and other contaminants related to the use remains high.

39. To overcome this, the appellant proposes that surface water drainage be provided by soakaways and foul water drainage would be via a new foul sewer to an existing Klargestor located immediately the north of the appeal site. This is in line with the drainage proposals submitted for the proposed storage barn building (the subject of Appeal ref: APP/D3830/W/22/3310444), for which there was no objection from the Council's Drainage Officer. A condition would ensure that such details are approved by the Council and implemented in accordance with a timeframe agreed by the Council.
40. Subject to this condition, the development would have satisfactory drainage and would not pose a risk to land and water contamination in accordance with MSDP Policies DP41 and DP42. Taken together, these require that SUDS should be sensitively designed, that any surface water draining to the foul sewer must be disconnected and managed through SuDS. The proposed drainage scheme also complies with paragraph 196 of the Framework which seeks the aforementioned aims.

Other matters

41. Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority 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 is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The potential effects of the development on Ashdown Forest were assessed during the Habitats Regulation Assessment process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
42. With regard to recreation 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. However, the development would not result in a net increase in dwellings within the 7km zone of influence and as such no mitigation is required.
43. In relation to atmospheric pollution, the potential effects of the development are incorporated into the overall results of the transport model prepared for the Site Allocations DPD, which indicates there would not be an overall impact on Ashdown Forest. As such, there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development.
44. The screening assessment carried out by the Council at the planning application stage concluded that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the development, and that no mitigation is required. Based on the evidence before me, I find no reason to disagree with this professional assessment.

45. Comments made by third parties have been taken into account but do not alter the conclusions reached in this decision. With respect to the effect upon the living conditions of neighbouring occupiers, the nearest residential property lies some distance away from the appeal site to the south on Staplefield Road. The use is ancillary to the existing Golf Club, which is immediately adjacent to the appeal site. As such the development is not expected to result in any harm to the living conditions of neighbours living conditions in terms of loss of light, outlook, privacy or noise and disturbance.
46. The development is not expected to result in any additional intensification of the use of the site or result in any additional traffic or highway safety concerns. The possible future intentions of the owners are not relevant to the current appeal. I have therefore assessed the current appeal on its own merits.

Conditions

47. I have had regard to the planning conditions suggested by the parties. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance, and in the interest of accuracy and clarity I have undertaken some minor editing. The Council has suggested a condition that seeks to restrict the use of the land for storage and maintenance in connection with Cuckfield Golf Centre. This is necessary given that the site is located in countryside and to ensure that the use does not change to an alternative use unrelated to the Gold Club use.
48. A condition requiring the details of the soft landscaping already implemented is necessary to ensure that if any existing plants are lost or die, they would be replaced in the next planting season, in the interest of character and appearance. A strict timeframe has been given for the landscaping condition since the change of use of the land has begun. For similar reasons, a condition limiting the number of containers/portacabins on the site and external lighting are also necessary.
49. A condition requiring details of foul and surface water drainage is required to ensure satisfactory drainage.

Conclusion

50. For the reasons given above I conclude that the appeals succeed on ground (a). I shall grant planning permission for the material change of use of the Land from agriculture to a use of: storage of plant, building materials, machinery and materials and parking of vehicles in association with Cuckfield Golf Centre; the stationing of a portacabin and container upon the land; the siting of a fuel container on the Land; and the operational development comprising the erection of a storage shed on the Land; the construction of an open storage bay on the Land and the laying of hardstanding on the Land, subject to conditions. The enforcement notice will be quashed, and the appeals on ground (g) do not therefore fall to be considered.

R Satheesan

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The land, portacabin, container and shed hereby approved shall be used solely for storage and maintenance purposes in connection with Cuckfield Golf Centre and for no other purposes at any time.
- 2) Within 3 months of the date of this permission full details of the soft landscaping scheme already implemented at the appeal site shall be submitted to and approved by the Local Planning Authority. Any trees or plants which, within a period of five years from the date of the permission, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 3) Within 3 months of the date of this permission full details of surface water drainage and foul water drainage and disposal for the appeal site shall be submitted to and approved in writing by the local planning authority. The approved drainage works shall thereafter be carried out within 3 months of the approved details, in accordance with the agreed details and thereafter maintained and retained in perpetuity.
- 4) There shall be no external lighting installed, except in accordance with a scheme of external lighting which has been submitted to and approved by the Local Planning Authority.
- 5) No more than two portacabins and containers (in total) shall be stationed upon the land at any one time, without the prior written consent of the Local Planning Authority.