



Appeal Decision

Site visit made on 14 October 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2026

Appeal Ref: APP/D3830/C/25/3361453

Land at Cuckfield Golf Centre and Upper Sparks Farm, Staplefield Road, Cuckfield, West Sussex RH17 5HY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Cuckfield Golf Centre against an enforcement notice issued by Mid Sussex District Council.
 - The notice was issued on 29 January 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of two earth bunds on the Land, in the approximate position hatched blue on the plans (A & B) attached to the notice.
 - The requirements of the notice are to:
 - 1) Remove from the Land the two earth bunds (the unauthorised development) in the approximate position hatched blue on the plans (A & B) attached to the Notice.
 - 2) Remove from the Land all other materials and debris resulting from compliance with step (1) above.
 - The period for compliance with the requirements is 28 days after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) 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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Decision

1. Following the service of the enforcement notice, planning permission has been granted for the development identified in the alleged breach of planning control. Consequently, the notice has ceased to have effect insofar as it is inconsistent with that planning permission, having regard to the terms of s180(1) of the Town and Country Planning Act 1990 (the Act). In those circumstances no further action will be taken in connection with this appeal.

Matters Relating to the Enforcement Notice and Related Appeals

2. The enforcement notice relates to the construction of two earth bunds, located at either side of the entrance to an area used for storage in connection with the use and maintenance of Cuckfield Golf Centre and its associated course.
3. The enforcement notice was served on 29 January 2025. Following that, in May 2025, a different Inspector determined three appeals, one made under s78 of the Act in relation to a refusal of planning permission¹ and two linked appeals made under s174 relating to the service of an enforcement notice².
4. Of particular relevance in this case is the s78 appeal. The Inspector resolved to allow the appeal and grant planning permission for a development described as:

¹ APP/D3830/W/22/331044

² APP/D3830/C/22/3312194 & 3312195

Change of use of land from agriculture to use as storage in association with Cuckfield golf centre, including improvements to the access track, retention of hardstanding and oil tank and proposed erection of a storage barn for equipment and vehicles incorporating staff welfare facilities.

5. Whilst the two bunds either side of the entrance to the site were not directly referred to in that description, they clearly formed part of the landscaping strategy to screen the development which was submitted as part of the proposal. The “Site Location & Block Plan”³ clearly depicts the bunds. In fact, whereas the application site was broadly rectangular in shape, the red line boundary kinks outwards to the north adjacent to the entrance in order to encompass the bund in that location. If the bund was not part of the proposal it would have been unnecessary for it to do so.
6. More tellingly, the bund and proposed planting on top of it were clearly part of the landscaping strategy put forward with the application including a Landscape and Visual Appraisal⁴ and the associated “General Arrangement & Landscape Strategy with Section Location” plan⁵. The landscaping plan clearly depicts the bund with spot heights showing the levels and is annotated “Existing Planting on Bund Retained & Enhanced to aid Screening”.
7. The Inspector was clearly aware of those details and made reference to them in his decision, including at paragraph 30 where he makes specific reference to the LVA and landscaping plan. At paragraph 33 he references the bund directly when concluding; “Furthermore, the bank and ditch boundaries with hedge planted on top is referenced as being characteristic of the High Wield field systems”.
8. Thus, I have no doubt that the bunds formed part of the landscape mitigation and the Inspector considered those elements to be part of the scheme as a whole. They may not have been referred to within the description of development but it is often the case that landscaping schemes will include elements that may be development of themselves, such as walls, fences, areas of hardstanding and the like without them being referred to directly in the description of development.
9. The same could be said of the drainage swale which formed part of the drainage strategy which is clearly shown on the submitted plans but not referred to in the description of development. The bunds are modest in scale compared to the approved development as a whole and the fact that they were not directly referred to in the description of development on the decision letter does not dictate that they were not part of the approved scheme.
10. In allowing the appeal the Inspector imposed condition 2 which required the development to be carried out in accordance with the submitted plans, including the landscaping plan and block plan both of which clearly show the bunds in the location identified on the enforcement notice. If the appellant failed to conform to those approved details it would be a breach of the respective condition. That reinforces my view that planning permission has been granted for the development attacked by the enforcement notice.
11. Under s180(1)(a) of the Act, where, after the service of an enforcement notice, planning permission is granted for any development carried out before the grant of

³ Drawing reference AGM-CUC-B-001

⁴ Furze Landscape Architects Ltd, July 2022, Rev C.

⁵ AGM-CUC-B-002 Rev B

that permission, the notice shall cease to have effect so far as inconsistent with that permission. Those provisions are relevant in this case because the bunds are the same as those for which planning permission was granted at appeal, following the service of the enforcement notice.

12. The provisions of s180(1)(a) of the Act do not dictate that the notice should be quashed, as suggested by the appellant. It was validly served at the time of issue and remains in force but ceases to have effect in relation to the development in question, given that the alleged breach and requirements are inconsistent with the planning permission that has been granted. In those circumstances it is therefore unnecessary to consider the appeal on Ground (a) and I shall take no further action in respect of the appeal.

Chris Preston

INSPECTOR