Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0679
Mannings Heath Golf Club, Hammerpond Road, Mannings Heath, West Sussex, RH13 6PG

DESCRIPTION:

Confirmation that use of the buildings for the production of wine from grapes grown on vineyards within the estate, and associated storage would not constitute development (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

DC/24/1019	Construction of new roof to storage buildings.	Application Permitted on 12.03.2025
DC/19/2583	Demolition of existing redundant buildings and the construction of winery and tasting venue with associated landscaping, access and parking provision	Withdrawn Application on 10.10.2024
DC/09/1153	Conversion of 3 former farm buildings into 7 units of holiday accommodation (previously approved DC/04/1559)	Application Permitted on 03.09.2009
DC/04/1559	Conversion of 3 farm buildings to 7 units of holiday accommodation	Application Permitted on 29.11.2004

PLANNING ASSESSMENT

This application seeks a Certificate of Lawful Development – Proposed, to confirm the use of the buildings for viticulture, relating to the production and associated storage of wine.

Article (2) of Section 192 of the Town and Country Planning Act 1990 states:

"If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect, and in any case they shall refuse the application."

Article (5) of Section 193 of the Town and Country Planning Act 1990 states:

"A certificate under section 191 or 192 shall not affect any matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted unless that matter is described in the certification"

Planning History

Although the original planning permissions for this cluster of buildings cannot be traced, there is more recent planning history. The buildings were the subject of an approved application (ref: DC/24/1019), which related to the construction of a new roof. According to the Covering Letter of this application, the last known use of the buildings was for agricultural purposes, with the buildings sitting within the Mannings Heath Estate, comprising a golf club and vineyard.

Documentation associated with the most historic applications DC/04/1559 and DC/09/1153, specifically the application forms and supporting statements, indicate that the buildings were formerly used for agricultural purposes. This is further supported by the Planning Statement submitted under DC/24/1019, which describes the buildings as agricultural barns. As part of the approval for DC/24/1019, it was acknowledged that the anticipated use of the buildings, as storage facilities for vineyard maintenance, would not constitute a material change of use.

Planning Assessment

Section 336(1) of the Town and Country Planning Act 1990 defines "agriculture" as including *"horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly".*

The Cover Letter submitted by the Applicant states that currently, grapes grown within the estate's vineyards are transported off-site, where they are processed and made into wine. The applicant is seeking to change this arrangement, and only grapes grown on the vineyard would be processed within these buildings and made into wine. The buildings would also be used for the storage of these grapes and other storage associated with the vineyard.

The Cover Letter references Millington v Sec. of State 1999, where it outlines that the making and selling of wine from grapes grown on the premises (or an associated vineyard) are classified as ancillary agricultural activities in instances where the growing of grapes is the primary use. The Cover Letter continues that further evidence of this view is found within the South Downs Viticulture Technical Advice Note, which states that winemaking is classified as an agricultural activity if the winery only processes its own grapes.

In Millington v S0S 1999, the Court of Appeal ruled that the correct approach was to consider the activities of the Applicant and whether they were incidental to the growing of grapes, ancillary to normal farming activities, and reasonably necessary to make the product marketable.

The application site comprises a Golf Club and Vineyard spread over 500 acres. The information submitted outlines that the building would be used to store and process grapes grown at the vineyard. The Floor Plan submitted indicates that the building would hold a number of barrels and other pieces of machinery, used to store and process grapes/wine.

The use of the building for these purposes is considered to be ancillary to the primary agricultural activity (vineyard). For this reason, the Certificate of Lawful Development Proposed is recommended for approval.

Other Matters

It is noted that the proposed floor plan indicates an extension to the northern elevation to accommodate plant rooms, the erection of additional walls to adjoin the barn to the other existing building to the east, and the installation of external plant to the south. These aspects are not shown on the plans under any previous applications and therefore would require the submission of a prior notification and full planning applications respectively.

It is also noted that Nuthurst Parish Council have submitted comments in support of this application, requesting consideration be given to conditions being imposed relating to external lighting, noise mitigation, water usage and traffic management. These matters cannot be considered, nor conditions imposed as part of a Certificate of Lawful Development.

Recommendation: Application Permitted

Reason:

1 The proposed use of the building for viticulture, and specifically the production and storage of wine, would constitute an agricultural practice as defined by section 336(1) of the Town and Country Planning Act 1990.

NOTE TO APPLICANT
It is noted that the proposed floor plan indicates an extension to the northern elevation, the erection of additional walls to the east, and the installation of external plant to the south. These aspects are not shown on the plans under any previous approved applications and therefore would require the submission of a prior notification and full planning applications respectively.

NOTE TO APPLICANT
The Applicant is advised that the determination of this Certificate of Lawful Development – Proposed relates solely to the activities as described within the description of development, and does not make an assessment or determination of any other activities that may be associated or proposed as part of the vineyard at Mannings Heath Golf Club, nor any operational development as indicated on the submitted plans.

NOTE TO APPLICANT
Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended states that:

"Subject to the provisions of this Order and regulations 73 to 76 of the Conservation of Habitats and Species Regulations 2010 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2."

Section 75 of the Conservation of Habitats and Species Regulations 2017 states that "it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which –

(a) Is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) Is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority)."

The application site falls within the Sussex North Water Supply Zone as defined by Natural England which draws its water supply from groundwater abstraction at Hardham. Natural England has issued a Position Statement for applications within the Sussex North Water Supply Zone which states that it cannot be concluded with the required degree of certainty that new development in this zone would not have an adverse effect on the integrity of the Arun Valley SAC, SPA and Ramsar sites.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/0679

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date

Location & Block plan	Locality & Block Plans	24:33/17	24.04.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 18/06/2025

Authorising Officer sign/initial Guy Everest Date: 18/06/2025