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Our Ref: MW/B0125/22

16th April 2025

Horsham District Council
Planning Department
Chart Way
Horsham
RG12 1RL

Dear Sir/Madam,

RE: Barn at Mannings Heath Estate, Hammerpond Road, Mannings Heath, Horsham, RH13 6PG

This letter accompanies an application to Horsham District Council for a Lawful Development Certificate for Proposed Use, regarding a collection of agricultural buildings at the above site.

This letter should be read alongside the following plans:

- Drawing no. 24:33/17 Location Plan and Block Plan
- Drawing no. 24:33/01 Ground Floor Plan

Site and Surroundings

The application site relates to a collection of buildings within the realm of the Mannings Heath Estate, a golf club and vineyard located to the north of the settlement of Mannings Heath. The Estate covers approximately 500 acres and is situated within the High Weald National Landscape.

The buildings subject of this application were last in agricultural use, and are sited off the northern side of Hammerpond Road, to the west of the golf course. Further storage buildings are located to the north, utilised in association with maintenance of the golf course, and a pair of semi-detached dwellings are located to the south-west. The buildings can be accessed via two separate vehicular access off Hammerpond Road, however are primarily accessed from the west, as outlined on the submitted Location Plan.

Planning permission has recently been granted to re-roof the buildings as they have fallen into disrepair (ref. DC/24/1019).

Relevant Planning History

Site:

- Application DC/24/1019 for *'construction of new roof to storage buildings'* was approved in March 2025.

- Application DC/19/2583 for the *'demolition of existing redundant buildings and the construction of winery and tasting venue with associated landscaping, access and parking provision'* was withdrawn.

- Application DC/09/1153 for *'conversion of 3 former farm buildings into 7 units of holiday accommodation (previously approved DC/04/1559)'* was approved in September 2009.

- Application DC/04/1559 for the *'conversion of 3 farm buildings to 7 units of holiday accommodation'* was approved in November 2004.

Elsewhere within the estate:

- Application DC/23/1791 for *'the proposed use of the building for viticulture, specifically the production and storage of wine constitutes an agricultural practice (Certificate of Lawful Development Proposed)'* was approved in November 2023.

Proposal

A Lawful Development Certificate is sought to confirm that the proposed use of the buildings, for the production of wine from grapes grown on vineyards within the estate, and associated storage, would not constitute a change of use and therefore confirm that planning permission is not required.

An indicative layout has been submitted alongside this application, which sets out how the buildings may be set out internally.

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 woodland where that use is ancillary to the farming of land for other agricultural purposes'.*

The Estate contains approximately 15 hectares of vineyards with an average production of 100 tonnes of grapes per annum. Currently, grapes are transported off site, where they are then processed and made into wine, which is then sold on to customers. The applicant is seeking to change this and process the grapes on site to make wine. The building would also be used for the storage of grapes and other storage associated with the vineyard. The grapes are generally harvested over a two-week period in October each year, during which time there will be more associated activity, with grapes being transported to the site (from the adjacent vineyard) and then being processed to make wine. Outside of this time, activity on the site is far less frequent and intensive, with staff checking temperatures of

the tanks, and ensuring the winemaking areas are clean. The building would also be utilised for storage associated with the vineyard.

We are seeking confirmation via a Lawful Development Certificate, that the Local Planning Authority area in agreement that the proposed use of the building for the storage and processing of grapes into wine, is agricultural in practice, and therefore that a change of use of the buildings will not take place and planning permission will not be required.

Viticulture (the cultivation and harvesting of grapes) is a branch of horticulture, and therefore an agricultural activity. As part of the Millington Case (Millington v Sec. of State 1999), it was established that the making and selling of wine from grapes grown on the premises (or an associated vineyard), including tours and tastings, are classified as 'ancillary agricultural activities' where the growing of grapes is the primary use. This is further evidenced within the South Downs Viticulture Technical Advice Note which states that 'winemaking is classified as an agricultural activity if the winery only processes their own grapes'. Figure 1 below shows the location of vineyards on the estate in relation to the existing buildings. Grapes would be transported from the vineyards across a track which crosses the golf course, to the buildings, in order to be stored and for the wine making process to take place.



Figure 1 – Application site outlined in red, with existing vineyards outlined in blue.

The officer's report for application DC/24/1019 for the reroofing of the buildings states that '*the proposal would not result in a change of use for the buildings, with storage expected to be an element of the*

buildings existing lawful use. The statement confirms the buildings are to serve as storage facilities for the maintenance of the vineyard'.

This confirms that the storage element of the use would not amount to a change of use.

Furthermore, a similar certificate was sought elsewhere on the estate, application ref. DC/23/1791. The officer's report for this application states that *'the use of the building for these purposes (being the storage and processing of grapes grown at the vineyard) is considered to be ancillary to the primary agricultural activity (vineyard). For this reason, the Certificate of Lawful Development Proposed is recommended for approval'.* The certificate was therefore granted for the following reasons:

'The proposed use of the building for viticulture, and specifically the production and storage of wine, would constitute an agricultural practise as defined in section 336(1) of the Town and Country Planning Act 1990. The use of the building for these stated purposes would therefore be in compliance with condition 2 of planning approval reference DC/20/0756)'.

For clarification, Condition 2 restricted the use of the building to be used for agricultural purposes only. As far as we are aware, no such condition is applicable on the buildings subject of this application, however they were last in agricultural use and therefore we require confirmation that a change of use will not take place.

Conclusion

Overall, we seek confirmation, via the granting of a Lawful Development Certificate that the proposed use of the building for the agricultural practice of viticulture, specifically the production and storage of wine would be lawful.

I look forward to receiving confirmation that this application has been validated and to a timely and positive determination.

If you have any queries or require any further information, please do not hesitate to contact me by telephone or email.

Yours faithfully,

[redacted]

Megan Wright AssocRTPI
Senior Planner
[redacted]