

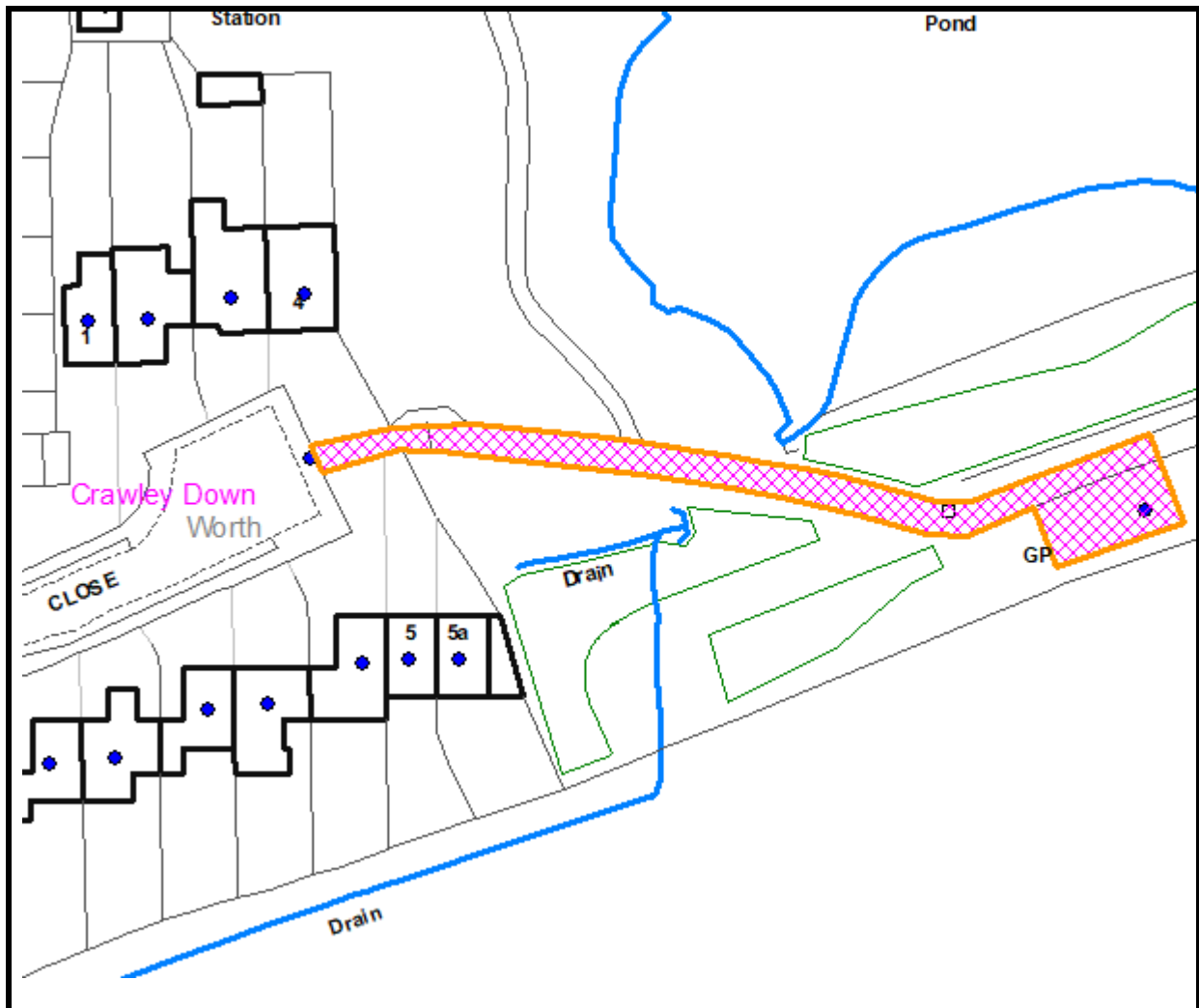
# Planning Committee



Recommended for Permission

31st May 2023

DM/23/0453



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<b>Site:</b>	Land At Crawley Down Pond Cob Close Crawley Down West Sussex
<b>Proposal:</b>	Erection of a Waymarker
<b>Applicant:</b>	Mid Sussex District Council
<b>Category:</b>	Minor Other
<b>Target Date:</b>	1st June 2023
<b>Parish:</b>	Worth

<b>Ward Members:</b>	Cllr Ian Gibson / Cllr John Hitchcock /
<b>Case Officer:</b>	Hamish Evans

### **Link to Planning Documents:**

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RQ6GD9KT04L00>

#### **1.0 Purpose of Report**

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

#### **2.0 Executive Summary**

- 2.1 Planning permission is sought for the erection of a waymarker at the land at Crawley Down Pond Cob Close Crawley Down.
- 2.2 The application is being reported to planning committee as MSDC are the applicants. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors.
- 2.3 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.
- 2.4 Taking into account the design and scale of the proposal it is considered to maintain the quality of the rural and landscape character of the District. Due to the nature of the proposal it is considered to encourage the use of the existing rights of way within the District. As such the principle of development is considered acceptable under policies DP12 and DP22 of the Mid Sussex District Plan and policies CDNP02 and CDNP10 of the Crawley Down Neighbourhood Plan.
- 2.5 Taking into account the modest nature of the proposal, its design and position, it is considered to address the character and scale of the surrounding buildings and landscape and it would not cause significant harm to the amenities of nearby residents. The proposal's impact on the Ancient Woodland is also considered to be acceptable.
- 2.6 For the above reasons, the proposal is deemed to comply with policies DP12, DP22, DP26 and DP37 of the Mid Sussex District Plan, policies CDNP02 and CDNP10 of the Crawley Down Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

#### **3.0 Recommendation**

- 3.1 It is recommended that planning permission be approved subject to the conditions outlined at Appendix A.

#### **4.0 Summary of Representations**

4.1 One third-party representation letter has been received in respect of this application and it supports the proposal.

#### **5.0 Summary of Consultees**

##### **5.1 Worth Parish Council**

The Council support this application.

#### **6.0 Introduction**

6.1 The application seeks planning permission for the erection of a waymarker at land at Crawley Down Pond Cob Close Crawley Down. The application has been referred to Committee because the District Council is the applicant.

#### **7.0 Site and Surroundings**

7.1 The application site is located immediately adjacent to the Worth Way and sited directly to its south. The site is located within the countryside and within 15 metres of Ancient Woodland to the north and south of the proposal. The site is also designated as a Local Green/Open Space by the Crawley Down Neighbourhood Plan.

7.2 Open countryside is located to the north, east and south of the site and Cob Close is located to the west. Worth Way is located to the north and Ancient Woodland surrounds the site with the proposed being within the 15-metre buffer zone of the Ancient Woodland. There is also a variety of street furniture within the vicinity of the proposal including timber fencing and signs.

#### **8.0 Application Details**

8.1 The proposal seeks planning permission for the erection of a waymarker at land at Crawley Down Pond Cob Close Crawley Down.

8.2 The proposal will measure some 0.4 metres in width, 0.2 metres in depth and a total height of 1.6 metres. It would consist of an oak carving which is a decorative piece of public art with local references informing its design and a plaque with a QR code and logo. It will be constructed of green oak.

#### **9.0 Legal Framework and List of Policies**

9.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

9.2 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.'*

9.3 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.'*

- 9.4 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.
- 9.5 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.
- 9.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Crawley Down Neighbourhood Plan and the Site Allocation DPD.
- 9.7 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

- 9.8 The District Plan is up to date and was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 - Protection and Enhancement of Countryside  
DP22 - Rights of Way and other Recreational Routes  
DP26 - Character and Design  
DP37 - Trees, Woodland and Hedgerows

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

- 9.9 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 be given to the plan at this stage due to the very early stage that it is at in the consultation process.

#### Crawley Down Neighbourhood Plan (adopted January 2016)

- 9.10 CDNP02: Retention and Enhancement of Recreational and Local Green/Open Spaces  
CDNP10: Promoting Sustainable Transport

#### Site Allocations DPD (June 2022)

- 9.11 No relevant policies

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 9.12 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.

National Planning Policy Framework (NPPF) (July 2021)

- 9.13 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.'*

- 9.14 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.'*

**10.0 Assessment**

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

- The principle of development
- The design and character
- The impact on neighbouring amenities
- Impact on Ancient Woodland, and
- Planning balance and conclusion.

Principle of development

- 10.2 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 10.3 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Crawley Down Neighbourhood Plan and the Site Allocation DPD.
- 10.4 The relevant countryside protection policy is Policy DP12 of the District Plan, which states:

**'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 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.'**

10.5 Policy DP22 of the Mid Sussex District Plan states in part:

*'Access to the countryside will be encouraged by:*

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes,*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible,*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'*

10.6 A similar ethos is contained within policy CDNP10 of the Crawley Down Neighbourhood Plan.

Policy CDNP02 of the Crawley Down Neighbourhood Plan in part states:

*'Proposals for built development on these Local Green/Open Space, or on land registered as an ACV, will not be permitted unless:*

- a. *The proposal is of a limited nature and it can be clearly demonstrated that it is required to enhance the role and function of an identified Local Green Space.'*

10.7 The proposed waymarker is of modest scale and would be of timber construction appropriate within the countryside. Due to the woodland surrounding the site there would be limited views of the proposal outside the immediate area. There is also a variety of street furniture within the surrounding area including signs and fences. As such the proposal is considered to maintain the quality of the rural landscape character of the District.

10.8 The proposal marks the location of an existing public right of way and the proposed QR code directs people to additional information regarding the Mid Sussex Walking Trails. As such it is considered to encourage the use of the existing rights of way within the District. It is also considered to enhance the role and function of the identified Local Green Space due to the above reasons. Taking into account the above the proposal is considered to comply with policies DP12 and DP22 of the Mid Sussex District Plan, policies CDNP02 and CDNP10 of the Crawley Down Neighbourhood Plan and acceptable in principle.

#### Design and Character

10.9 Policy DP26 of the Mid Sussex District Plan in part 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.'*

10.10 A similar ethos is found within the Mid Sussex Design Guide SPD.

10.11 The proposal is of a modest scale and there is a variety of street furniture within the surrounding area. The proposal will also be constructed in timber that is used within existing signage and fencing in the surrounding area. The design of the proposal is considered to be uncomplicated in its form and its design is considered to be of high quality. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and complies with policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

### **Impact on amenities of neighbouring properties**

10.12 Policy DP26 of the Mid Sussex District Plan in part seeks to ensure that development:

*'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 DP29),'*

10.13 The proposal is of a modest scale and it is not immediately adjacent to any residential properties. Taking into account the above and the nature of the proposal

it is not considered to 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. As such the proposal complies with the above part of policy DP26 of the Mid Sussex District Plan.

#### Impact on the Trees, Woodland and Hedgerows

10.14 Policy DP37 of the Mid Sussex District Plan in part states:

*'Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'*

10.15 The proposal would be located within the 15-metre buffer of the Ancient Woodland to the north and south of the site. The proposal is, however, of a modest scale and there are existing timber structures including fencing and signposts within the site. It should also be noted that the entirety of this section of the Worth Way is situated within the 15-metre buffer of the Ancient Woodland and as such, for the proposed waymarker to be located adjacent to this section of the Worth Way, it would need to be located within the 15 metre buffer of the Ancient Woodland. Taking into account the above the proposal is considered to be positioned as far as possible from the Ancient Woodland to the north and south of the proposal, and whilst located within the 15-metre buffer, it is not considered that there would be any significant harm to the woodland and as such the impact is considered acceptable and complies with policy DP37 of the Mid Sussex District Plan.

### **11.0 Planning Balance and Conclusion**

- 11.1 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.
- 11.2 Taking into account the design and scale of the proposal it is considered to maintain the quality of the rural and landscape character of the District. Due to the nature of the proposal it is considered to encourage the use of the existing rights of way within the District. It is also considered to enhance the role and function of the identified Local Green Space due to the above reasons. As such the principle of development is considered acceptable under policies DP12 and DP22 of the Mid Sussex District Plan and policies CDNP02 and CDNP10 of the Crawley Down Neighbourhood Plan.
- 11.3 The would not cause significant harm to the amenities of nearby residents nor harm the surrounding Ancient Woodland.
- 11.4 For the above reasons, the proposal is deemed to comply with policies DP12, DP22, DP26 and DP37 of the Mid Sussex District Plan, policies CDNP02 and CDNP10 of the Crawley Down Neighbourhood Plan, the Mid Sussex Design Guide SPD and the objectives of the National Planning Policy Framework. Planning permission should therefore 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.

2. **Approved Plans**

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 Application'.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

## INFORMATIVES

1. In accordance with 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 and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## APPENDIX B – CONSULTATIONS

### WORTH PARISH COUNCIL

The council support this application.