

Planning Committee

Recommended for Permission

31st May 2023

DM/23/0444



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Site:	Land Adj. To Station House London Road Balcombe Haywards Heath West Sussex
Proposal:	Erection of a Waymarker
Applicant:	Mid Sussex District Council
Category:	Minor Other
Target Date:	1st June 2023
Parish:	Balcombe

Ward Members:	Cllr Jenny Edwards / Cllr Gary Marsh /
Case Officer:	Hamish Evans

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RQ6C2ZKT04L00>

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 land adjacent to Station House London Road Balcombe RH17 6JQ.

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 The proposal it is considered to maintain the quality of the rural and landscape character of the District and due to its nature 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.

2.5 This is a modest structure. Its design and position 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 High Weald Area of Outstanding Natural Beauty is also considered to be acceptable.

2.6 For the above reasons, the proposal is deemed to comply with policies DP12, DP16, DP22 and DP26 of the Mid Sussex District Plan, policy 3 of the Balcombe Neighbourhood Plan, the Mid Sussex Design Guide SPD, the High Weald AONB Management Plan 2019-2024 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 No third-party representation letters have been received in respect of this application.

5.0 Summary of Consultations

5.1 Balcombe Parish Council

Balcombe Parish Council support this application.

6.0 Introduction

6.1 The application seeks planning permission for the erection of a waymarker at land adjacent to Station House London Road Balcombe RH17 6JQ. The application has been referred to Committee because the District Council is the applicant.

7.0 Site and Surroundings

7.1 The is located within the countryside and the High Weald AONB. The built-up area boundary of Balcombe is located to the north and east of the site. London Road is located to the east of the site. There is a residential property to the west of the site and the train station is located to the south of the site. There is also a variety of street furniture within the vicinity of the proposal including bollards, telecommunication masts and timber signs. An existing public right of way is located to the east of the site.

8.0 Application Details

8.1 The proposal seeks planning permission for the erection of a waymarker at land adjacent to Station House London Road Balcombe RH17 6JQ.

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, Balcombe 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
DP16 - High Weald Area of Outstanding Natural Beauty
DP22 - Rights of Way and other Recreational Routes
DP26 - Character and Design

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.

Balcombe Neighbourhood Plan (adopted September 2016)

9.10 Policy 3: Design

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.

High Weald AONB Management Plan 2019-2024
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 High Weald Area of Outstanding Natural Beauty, 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, Balcombe 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 The proposed waymarker is modest in its nature and it will be of timber construction which is appropriate within the countryside. There is a variety of street furniture within the surrounding area including signs and bollards. As such the proposal is considered to maintain the quality of the rural landscape character of the District.

10.7 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. Considering the above the proposal complies with policies DP12 and DP22 of the Mid Sussex District Plan and acceptable in principle.

Design and Character

10.8 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.'*

10.9 A similar ethos is found within the Mid Sussex Design Guide SPD and policy 3 of the Balcombe Neighbourhood Plan.

10.10 The proposal is of a modest scale and there is a variety of street furniture within the surrounding area. The proposal will also be of timber construction that is used within existing signage in the surrounding area. The design of the proposal is 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, policy 3 of the Balcombe Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on the High Weald Area of Outstanding Natural Beauty

10.11 The legal framework for Areas of Outstanding Natural Beauty (AONB) in England and Wales is provided by the Countryside and Rights of Way Act 2000. Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. It also requires Local Planning Authorities to:

'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB.'

10.12 Paragraph 176 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.'

10.13 A similar ethos is found within the High Weald AONB Management Plan 2019-2024 and policy DP16 of the Mid Sussex District Plan.

10.14 The proposed works are modest in their nature and the proposed external materials are considered acceptable. As such the proposal would not have any adverse impact on the landscape quality of the AONB and the proposal complies with the requirements of policy DP16 of the District Plan, High Weald AONB Management Plan 2019-2024 and paragraph 176 of the NPPF.

11.0 Planning Balance and Conclusions

- 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 The proposal it is considered to maintain the quality of the rural and landscape character of the District and due to its nature 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.
- 11.3 Taking into account the modest nature of the proposal, it would not harm the character of the locality, the High Weald AONB or the amenities of residents.
- 11.4 For the above reasons, the proposal is deemed to comply with policies DP12, DP16, DP22 and DP26 of the Mid Sussex District Plan, policy 3 of the Balcombe Neighbourhood Plan, the Mid Sussex Design Guide SPD, the High Weald AONB Management Plan 2019-2024 and the objectives of the National Planning Policy Framework.

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

Balcombe Parish Council

Balcombe Parish Council support this application.