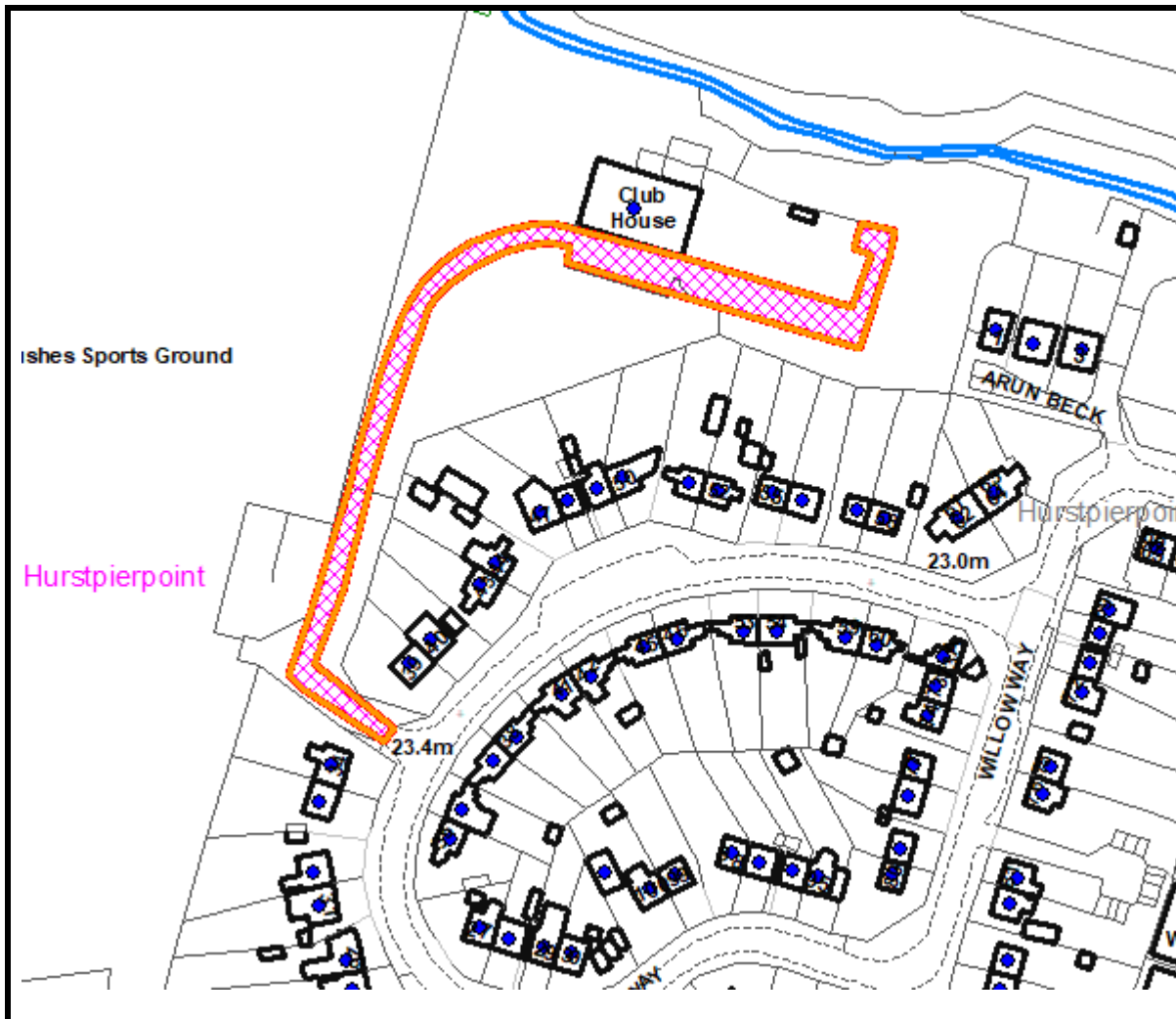


Planning Committee

Recommended for Permission

15th June 2023

DM/23/0001



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Site:	Court Bushes Community Hub Willow Way Hurstpierpoint Hassocks West Sussex
Proposal:	To locate 4 x 20 foot shipping containers on the Court Bushes Community Hub Car Park.
Applicant:	Miss Sarah Groom
Category:	Minor Other
Target Date:	6th April 2023

Parish:	Hurstpierpoint And Sayers Common
Ward Members:	Cllr Alison Bennett / Cllr Rodney Jackson /
Case Officer:	Katherine Williams

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RNWNPGKT04L00>

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 to locate 4 x 6m (20 foot) shipping containers on the Court Bushes Community Hub Car Park. The containers would be used for the storage of equipment used by the community groups and organisations which hire and use the community hub and sports ground, along with storage for other community events within Hurstpierpoint, which cannot currently be provided within the community hub. The application has therefore come forward for the proposed containers within the north east corner of the Court Bushes Community Hub carpark within the Court Bushes Sports Ground, which is within the countryside outside the built up area of Hurstpierpoint.

2.2 This application is before committee as the application site is located on land owned by Mid Sussex District Council.

2.3 Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan, Site Allocations DPD and the Hurstpierpoint and Sayers Common Neighbourhood Plan. The National Planning Policy Framework (NPPF) is not part of the development plan but is an important material planning consideration.

2.4 The proposal is acceptable both in terms of the principle and would not cause significant harm to the amenities of neighbouring properties. On a temporary basis it is considered acceptable in terms of impact on the character and appearance of the area,

2.5 Therefore the proposal partially complies with Mid Sussex District Plan policy DP12, complies with Mid Sussex District Plan policies DP25 and DP26, Hurstpierpoint and Sayers Common Neighbourhood Plan policy HurstC1, and the relevant provisions of the NPPF.

2.6 It is therefore recommended that a temporary planning permission is 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 A letter of representation has been received from No. 1 Arun Beck which raises the following comments:

- Already 3 containers on the carpark, proposal will result in 7 containers in total
- Impact of their appearance
- Overlooking
- Creation of an industrial unit
- Noise from the opening of the containers, no information regarding the use, and the frequency and times of access

5.0 Summary of Consultees

5.1 MSDC Drainage Engineer

No comment to make on this application.

5.2 MSDC Community Facilities Project Officer

No comments to make on this application.

5.3 MSDC Estates Team

No planning comments to make on this case.

6.0 Parish Council Observations

6.1 No comment

7.0 Introduction

7.1 The application seeks planning permission to locate 4 x 6m (20 foot) shipping containers on the Court Bushes Community Hub Car Park.

8.0 Relevant Planning History

8.1 DM/18/2623 - (Amended description 30.07.2018) Change of use of part of the Ex Serviceman and Social Club (sui generis) to a community hall and nursery (D1). Remodel of the internal layout and alterations to the fenestration. Granted.

8.2 DM/19/0777 - Variation of Condition 8 of planning application DM/18/2623 to solely relate to the opening hours of the nursery. (amended description 08/03/2019). Granted.

8.3 DM/19/1922 - Proposed relocation of the existing shipping container (amended description 17.07.2019). Granted.

9.0 Site and Surroundings

- 9.1 Court Bushes Sports Ground is located to the rear of the residential properties which face onto the northern side of Willow Way in Hurstpierpoint, with is vehicular access between Nos. 39 and 34 Willow Way. The access then extends through a parking area adjacent to the playground and to the north leading to Court Bushes Community Hub, a community building with a car park which extends around the southern and eastern sides of the building.
- 9.2 The Hub, its extended access and car park are separated by a perimeter wire fence and gates.
- 9.3 The built up area of Hurstpierpoint extends along the rear boundary fencing of the residential properties along Willow Way with the sports ground and community hub within the countryside, with open countryside and woodland to the north and west.

10.0 Application Details

- 10.1 The application seeks planning permission to position 4 No. shipping containers within the north-eastern corner of the community hub carpark. The shipping containers would be positioned in line each with a width and depth of 2.4 metres and 6 metres, covering an area of 10.7 metres by 6 metres. The shipping containers would be painted green with an overall height of 2.591 metres.
- 10.2 From a site visit to the property three of the proposed shipping containers are already in place on site.

11.0 Legal Framework and List of Policies

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

- 11.2 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.'*

- 11.3 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.'

- 11.4 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.

- 11.5 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.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations DPD and Hurstpierpoint and Sayers Common Neighbourhood Plan.
- 11.7 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

- 11.8 The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 – Protection and Enhancement of Countryside

DP25 – Community Facilities and Local Services

DP26 - Character and Design

Site Allocations DPD

- 11.9 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no policies deemed relevant to this application.

Mid Sussex District Plan 2021-2039 Consultation Draft

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

Neighbourhood Plan

- 11.11 The Hurstpierpoint and Sayers Common Neighbourhood Plan was made on 19th March 2015 and so forms part of the development plan. It is therefore a material consideration with full weight.

Relevant policies are:

Policy Countryside HurstC1 – Conserving and enhancing character

- 11.12 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)

- 11.13 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.
- 11.14 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.'*
- 11.15 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.'*
- 11.16 With specific reference to decision-taking paragraph 47 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide

Ministerial Statement and Design Guide

- 11.17 On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.
- 11.18 The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

12.0 Assessment

12.1 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
- Character and Design
- Impact on Residential Amenity
- Planning Balance and Conclusion

12.2 The Principle of Development

12.3 Policy DP12 of the District Plan relates to development in the countryside and 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.*

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.'

12.4 Policy HurstC1 of the Neighbourhood Plan echoes policy DP12 and states:

'Development, including formal sports and recreation areas, will be permitted in the countryside, where:

- *It comprises an appropriate countryside use;*
- *It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;*
- *In the South Downs National Park, policy HurstC2 will take precedent.'*

12.5 Policy DP25 of the District Plan relates to development relating to community facilities and local services and states:

'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.

Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.*

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.

Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.'

12.6 The proposed shipping containers would be used for the storage of equipment used by the community groups and organisations which hire and use the community hub and sports ground, along with storage for other community events within Hurstpierpoint.

12.7 This storage requirement cannot be met within the building due to its layout and use, nor can it currently be met by other community buildings within the Parish's control. The proposal would allow the continuation and improvement to the community services provided by the community hub to the local residents of Hurstpierpoint.

12.8 The application is considered to support the continued community use and local services provided by the community hub, along with the opportunity to enhance it. Therefore, the proposal is considered to be partially in accordance with policy DP12 and in accordance with policy DP25 of the Mid Sussex District Plan. The proposal is not considered to be in full accordance with policy DP12 because of the impact of the storage containers on the character of the countryside. The issue of the impact on the character of the area will be assessed below.

12.9 Character and Design

12.10 Policy DP26 of the Mid Sussex District Plan 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 DP29);*
- *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.'*

12.11 The containers would be located within a sheltered area adjacent to the community hub and within the existing carpark, which along with the mature planting to the north and east, would largely screen the containers from wider views. The proposed containers would be painted green to further reduce their prominence.

12.12 The site is located outside the built up area of Hurstpierpoint and within the countryside. The site has a distinctive verdant and rural character which is divided from the built up area character by the rear boundary fences of the properties of Willow Way. Due to the nature and appearance of shipping containers it is considered that they would not preserve character of the countryside, which would be compounded by the number of containers proposed which would be incongruous to the character of the area and it would be difficult to argue that the character of the area would be maintained.

12.13 In this instance, given the community benefits the proposed shipping containers would facilitate through the provision of storage, and the visual mitigation set out above, it is considered that the shipping containers would be acceptable subject to a temporary time limit of 3 years. This would allow the immediate storage needs to be met and would provide time for more appropriate storage provision to be found.

12.14 It is therefore felt that subject to a 3 year time limit, the proposal is considered to be acceptable in terms of its impact on the character of the area and countryside.

Impact on Residential Amenity

12.15 DP26 of the Mid Sussex District Plan 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);'*

12.16 The closest neighbouring property is No. 1 Arun Beck, which is located to the east of the proposal. The side elevation of this neighbouring property faces onto the site, with a separation distance of some 28 metres between the dwelling and the closest shipping container, with an area of planting and trees in between. The proposal would be seen from this neighbouring property and other properties on Willow Way within the existing context of the carpark and the community use of the building, which has a number of visitors throughout the day. The proposed containers would be used for storage in association with the existing use of the site and is not considered to generate additional movements or noise than the existing property and function. Given this, it is considered that the proposal would not cause significant harm to the amenities of neighbouring properties.

13.0 Planning Balance and Conclusion

13.1 Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances indicate otherwise. In this part of Mid Sussex the development plan comprises the District Plan, Site Allocations DPD and the Hurstpierpoint and Sayers Common Neighbourhood Plan. The NPPF is an important material planning consideration.

13.2 The proposal is acceptable both in terms of the principle and would not cause significant harm to the amenities of neighbouring properties. On a temporary basis it is considered acceptable in terms of impact on the character and appearance of the area.

13.3 Therefore the proposal partially complies with Mid Sussex District Plan policy DP12, complies with Mid Sussex District Plan policies DP25 and DP26, Hurstpierpoint and Sayers Common Neighbourhood Plan policy HurstC1, and the relevant provisions of the NPPF.

13.4 It is therefore recommended that a temporary planning permission be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The works hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 16th June 2026.

Reason: The Local Planning Authority would not normally grant permission for such a development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period and to accord with Policy DP25 of the Mid Sussex District Plan.

2. 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.

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

MSDC Drainage Engineer:

The flood risk and drainage team can confirm we have no comment to make on this application.

MSDC Community Facilities Project Officer:

No comments to make on this application.

MSDC Estates Team:

Please be advised Estates have no planning comments to make on this case.