

**Minutes of a meeting of Planning Committee  
held on Thursday, 11th November, 2021  
from 4.00 - 5.36 pm**

**Present:** G Marsh (Chairman)  
P Coote (Vice-Chair)

P Brown  
R Cartwright

R Eggleston  
B Forbes

C Phillips

**Absent:** Councillors E Coe-Gunnell White, J Dabell, M Pulfer,  
D Sweatman and N Walker

**1 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillors Pulfer, Walker, Dabell, and Sweatman.  
Councillor Coe-Gunnell White was absent from the meeting.

**2 TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF  
ANY MATTER ON THE AGENDA.**

In relation to item DM/20/4712 Land Adjacent to Balcombe House, London Road, Balcombe, Councillor Forbes declared that he is a West Sussex County Councillor for Balcombe.

**3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON  
9 SEPTEMBER 2021.**

The minutes of the meeting of the Planning Committees held on 9 September 2021 were agreed as a correct record and signed by the Chairman.

**4 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS  
URGENT BUSINESS.**

The Chairman had no urgent business.

**5 DM/20/4712 - LAND AT BALCOMBE HOUSE, LONDON ROAD, BALCOMBE,  
RH17 6PB.**

Joanne Fisher, Senior Planning Officer, introduced the application which sought permission for a residential development to provide 17 dwellings made up of 1 and 2 bedroom flats and 3 and one 4 bedroom detached and semi-detached houses and associated landscaping parking, vehicular access and village car park. She drew Member's attention to the further information contained in the Agenda Update Sheet and noted that the site is situated in the built-up area of Balcombe and the High Weald Area of Outstanding Natural Beauty. It is screened by trees on the boundaries and almost completely surrounded by a conservation area.

She noted that out of 17 dwellings, 5 are affordable housing and there is one access road to serve the dwellings and the village car park. There is off-road parking for each dwelling to the side of the properties as supported by the Design Guide. The Senior Planning Officer noted that the impact on heritage assets has been considered and would result in less than substantial harm. The site also proposes sustainable measures such as water efficiencies and solar panels. She noted that the proposal seeks to optimise the use of the site, therefore in line with the District Plan and NPPF. The public benefits such as the creation of 17 dwellings including 5 affordable dwellings, infrastructure contributions and the provision of a public car park outweighs the less than substantial harm to the designated heritage assets and conservation area.

Cllr Thompsett (on behalf of Balcombe Parish Council) and Nicola Gould (also a parish councillor but spoke in her capacity as a local resident) spoke in objection to the application. Mark Hendy from the prospective developer spoke in support of the application.

The Chairman sought clarification on the Section 106 (S106) agreement relating to the Carpark. The Planning Team Leader confirmed that it will be secured under a S106 agreement as detailed in the Agenda Update Sheet.

As Ward Member the Chairman noted he was content for a proposal to come forward on this site as it was included in the Neighbourhood Plan. However, it was allocated for 1, 2 and 3 bedroom units and he expressed disappointment that this proposal includes a 4 bedroom house and no 2 bedroom houses, only 2 bedroom flats. He was also concerned that it proposes 22% more units on site than envisaged in the Neighbourhood Plan.

A Member expressed surprise at the application under consideration as he had been involved with discussions between the Parish and County Council around a proposal to transfer land to facilitate a better access point for the car park. Although discussions appeared to be progressing well, he noted that it does not feature in the current application.

A Member noted that there had been no objection from residents but felt that the mix of 1,2 and 3 bedroom houses would have been a better proposal, along with a car park entrance more central to the village. A number of Members discussed the proposed housing mix and noted that 2-bedroom houses would be more suitable for local residents who wish to downsize and remain in the village. It was felt that the car park needed a separate entrance to make it clear it is a public car park and there was a danger that residents would use the spaces for overspill from their own parking provision. A Member also expressed concern that the car park would be hidden from view with the potential for crime, although Member's acknowledged that surveillance was possible from nearby flats. A Member commented that the provision of the car park through a S106 agreement was unsatisfactory as he felt it should be written into the conditions as ready to take over once built. In response to queries on who would manage the car park if the Parish were unwilling to adopt it, the Planning Team Leader confirmed that the future management of carpark would be contained in the S106 agreement and the Council would seek to secure a covenant for public use in perpetuity.

The Senior Planning Officer confirmed that the Neighbourhood Plan references approximately 14 units on site comprising a mixture of 1, 2 and 3 beds but does not specify houses or flats. The District Plan does require a housing mix and it is

considered that the number and mix proposed in this application meets DP30, and also DP26, to optimise the potential of the site. In response to a Members' concern over the retention of the boundary hedge, she noted that policy requires for it to be retained but at the same time access is also required off Haywards Heath Road, so one access point is proposed to minimise the impact to the trees and hedges. The Planning Team Leader reiterated that the layout and design is satisfactory and that the Council's Urban Designer was content with the scheme. It was highlighted that other planning applications had been approved in Balcombe and Haywards Heath for schemes that delivered more units than initially expressed in the relevant Neighbourhood Plan policies. In addition, a scheme in Crawley Down had been approved even though it did not fully comply with the housing mix expressed within the Neighbourhood Plan policy. In all cases, the schemes had been considered in the round and this is what was required in this instance. In response to a Member's query, the Senior Planning Officer confirmed that the density of the proposal being considered by the Committee is 24 dwellings per hectare. It was reiterated that although the site is located in a conservation area it is the Officer's opinion that the proposal results in less than substantial harm and as set out in the report there are public benefits that outweigh the harm in this instance.

A number of Members expressed a wish for more weight to be given to the Neighbourhood Plan with regards to this proposal. Councillor Coote moved to refuse the application on the grounds of over development and incorrect mix of housing. This was seconded by Councillor Cartwright.

The meeting adjourned from 5.00pm to 5.12pm whilst the Chairman sought clarification from the Planning and Legal Officers.

The Chairman clarified that the reason for refusal would be only that the housing mix does not comply with the Balcombe Parish Council requirements as set out in policy 2.1 of the Balcombe Neighbourhood Plan, with the exact wording to be agreed by Planning Officers in consultation with the Chairman and Vice Chairman. The Planning Team Leader noted that Officers have concern on the evidence available to support this reason for refusal at an appeal, where the Council would be required to provide substantive evidence to justify its position.

The Chairman took Members to a recorded vote on the revised recommendation to refuse the application. The recommendation to refuse was supported by 6 Members with one against, and therefore the application was refused.

Councillor	For	Against	Abstain
P. Brown	y		
R. Cartwright	y		
P. Coote	y		
R. Eggleston		y	
B. Forbes	y		
G. Marsh	y		
C. Phillips	y		

## **RESOLVED**

That permission be refused on the grounds that the housing mix does not comply with the Balcombe Parish Council's requirements as set out in policy 2.1 of the Balcombe Neighbourhood Plan.

**6 DM/18/0988 - NORTH END FARM, CUCKFIELD ROAD, HURSTPIERPOINT, BN6 9HJ.**

Andrew Clarke, Senior Planning Officer introduced the application which seeks to discharge the requirements of a s.106 agreement from 2004 which sought to restrict the use and ownership of three units of accommodation. The application seeks to consider whether the s106 now serves any useful purpose and that the requirements can be discharged as a period of five years since the agreement have now passed.

He confirmed that North End Farm is a group of converted agricultural building and an application was approved to convert three buildings to accommodation in 2004. At the time, a S106 agreement required that all the buildings are solely owned and that the granary and annexe could only be used as ancillary living accommodation to the private residential use of the main dwelling. However, subsequent planning permissions and certificates of lawfulness have since been provided for the use of the three buildings as separate residential dwellings. As the remaining condition relating to the ownership has no benefit or purpose in planning terms it is felt that the s106 agreement can now be discharged. He confirmed that the extra two units do appear on the Land Register and are subject to Council Tax.

The Chairman took Members to a recorded vote on the recommendations as set out in the report. This was proposed by Councillor Coote, seconded by Councillor Phillips and approved unanimously.

Councillor	For	Against	Abstain
P. Brown	y		
R. Cartwright	y		
P. Coote	y		
R. Eggleston	y		
B. Forbes	y		
G. Marsh	y		
C. Phillips	y		

**RESOLVED**

That requirements of a s.106 agreement entered into in association with the grant of planning permission HP/00/01426/FUL are discharged.

**7 EF/18/0160 - TYES CROSS FARM, GRINSTEAD LANE, EAST GRINSTEAD, RH19 4HS.**

Andrew Clarke, Senior Planning Officer introduced the report which sought agreement from members of the committee to commence prosecution proceedings in relation to the failure to comply with an extant s.172 Enforcement Notice noting that it was best practice in these circumstances to bring this before the Committee. He confirmed that in 2018 development took place for creation of a hard surface track to the east of Sharphorne. There was a failure to regularise the development and an enforcement notice was issued in December 2020. He noted that the Owner has made representations regarding the lawfulness of the development and the conduct of the Council but that the Council is satisfied that its conduct and enforcement notice is lawful. The track would have required planning permission and none was granted. The compliance period of the requirements of the enforcement notice expired in May 2021 and whilst Officer's sought to engage with the owner and

provided an extension to comply to the Notice by October 2021, to date the development remains and the owner has made no indication that he intends to comply with the requirements of the Notice.

The Chairman took Members to a recorded vote on the recommendations as set out in the report. This was proposed by Councillor Coote, seconded by Councillor Forbes and agreed unanimously.

Councillor	For	Against	Abstain
P. Brown	y		
R. Cartwright	y		
P. Coote	y		
R. Eggleston	y		
B. Forbes	y		
G. Marsh	y		
C. Phillips	y		

## **RESOLVED**

That authority be given for the Council to prosecute the owner of the land for non-compliance with the Enforcement Notice (which is an offence under section 179 TCPA 1990) subject to the Solicitor to the Council being satisfied that there is sufficient evidence and it is in the public interest to pursue a prosecution.

### **8 TP/21/0004 - LAND EAST OF STONE HOUSE, RYECROFT ROAD, BOLNEY, RH17 5PR.**

Steve Ashdown, Planning Team Leader introduced the report which sought permission on whether or not to confirm a new Woodland Tree Preservation Order (TPO), on an area of woodland east of Stone House, Ryecroft Road, Bolney.

He noted that previous felling on the site prompted the original order and acknowledged that representations have been made in objection. Officers have considered the objections and are content that the TPO is justified. Confirming the TPO would not preclude the owner from carrying out woodland maintenance in future.

In response to a Member's query, the Planning Team Leader confirmed that a full survey was carried out on trees in the woodland, and due to the size of the area it was not appropriate to survey each individual tree. In any woodland, there would therefore be an expectation that some trees may be dead or in poor condition and permission is not required, under a TPO, to remove dead or dangerous trees. They are also not required to be replaced.

The Chairman took Members to a recorded vote on the recommendations as set out in the report. This was proposed by Councillor Coote, seconded by Councillor Forbes and agreed unanimously.

Councillor	For	Against	Abstain
P. Brown	y		
R. Cartwright	y		
P. Coote	y		
R. Eggleston	y		

B. Forbes	y		
G. Marsh	y		
C. Phillips	y		

**RESOLVED**

That the TPO is confirmed.

**9      QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 DUE NOTICE  
OF WHICH HAS BEEN GIVEN.**

None.

The meeting finished at 5.36 pm

Chairman