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28 February 2023

Meetings of Council Committees are broadcast live through the [Mid Sussex District Council's YouTube channel](#). Limited space is available to observe proceedings in-person. Those wishing to do so must reserve a seat by completing a [Registration Form](#) by 4pm on the working day prior to the meeting.

Dear Councillor,

A meeting of **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER** at these offices on **THURSDAY, 9TH MARCH, 2023 at 4.00 pm** when your attendance is requested.

Yours sincerely,  
KATHRYN HALL  
Chief Executive

#### **A G E N D A**

#### **Pages**

- |    |  |              |
|----|--|--------------|
| 1. | To receive apologies for absence.  |              |
| 2. | To receive Declarations of Interest from Members in respect of any matter on the Agenda. |              |
| 3. | To confirm the Minutes of the meeting of the Committee held on 09 February 2023.         | <b>5 - 8</b> |
| 4. | To consider any items that the Chairman agrees to take as urgent business.               |              |

#### **Items Recommended for Approval.**

- |    |   |                |
|----|---|----------------|
| 5. | DM/22/3871 - Cedar Lodge, Hackenden Lane, East Grinstead RH19 2DL.  | <b>9 - 30</b>  |
| 6. | DM/22/3791 - Lindfield Bowling Club, Lindfield Common, Bowling Green Car Park, Backwoods Lane, Lindfield, RH16 2ED. | <b>31 - 52</b> |

7. DM/22/2808 - The Grain Store, Holmsted Farm, Staplefield Road, Cuckfield, RH17 5JF. **53 - 88**
8. DM/23/0113 - 24 Wickham Way, Haywards Heath, RH16 1UQ. **89 - 98**

**Items Recommended for Refusal.**

None.

**Other Matters.**

9. To consider whether to exclude the Press and Public from the meeting during consideration of the following items in accordance with Section 100A of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the said Act.
10. EF/19/0079 - Springwood Nursery, Oak Tree Barn, Nash Lane, Scaynes Hill, West Sussex, RH17 7NJ - EXEMPT. **99 - 104**
11. Questions pursuant to Council Procedure Rule 10.2 due notice of which has been given.

None.

Human Rights Act

The reports and recommendations set out in this agenda have been prepared having regard to the requirements of the Human Rights Act 1998.

Risk Assessment

In formulating the recommendations on the agenda, due consideration has been given to relevant planning policies, government guidance, relative merits of the individual proposal, views of consultees and the representations received in support, and against, the proposal.

The assessment of the proposal follows the requirements of the 1990 Town and Country Planning Act and is based solely on planning policy and all other material planning considerations.

Members should carefully consider and give reasons if making decisions contrary to the recommendations, including in respect of planning conditions.

Where specifically relevant, for example, on some applications relating to trees, and on major proposals which are likely to have a significant impact on the wider community, potential risks associated with the proposed decision will be referred to in the individual report.

**NOTE:** All representations, both for and against, the proposals contained in the agenda have been summarised. Any further representations received after the preparation of the agenda will be reported verbally to Members at the meeting. Any other verbal or additional information will be presented at the meeting.

The appropriate files, which are open to Member and Public Inspection, include copies of all representations received.

To: **Members of Planning Committee:** Councillors G Marsh, P Coote, P Brown, R Cartwright, J Dabell, R Eggleston, B Forbes, T Hussain, C Phillips, M Pulfer, D Sweatman and R Webb

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**Minutes of a meeting of Planning Committee  
held on 09 February 2023  
at 4.00 pm**

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

P Brown	B Forbes	R Webb
J Dabell	C Phillips	
R Eggleston	D Sweatman	

**Absent:** Councillors R Cartwright, T Hussain and M Pulfer

**1 TO RECEIVE APOLOGIES FOR ABSENCE.**

Apologies were received from Councillors Cartwright, Hussain and Pulfer.

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

None.

**3 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON 12 JANUARY 2023.**

The minutes of the meeting of the Planning Committee held on the 12 January 2023 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/22/2634 - 2 THE SPINNEY, BURGESS HILL, WEST SUSSEX, RH15 8AG.**

Katherine Williams, Planning Officer introduced the report which sought planning permission for a new access, dropped kerb and driveway to the front of 2 The Spinney. She highlighted the application had been referred to the Committee as part of the land is owned by Mid Sussex District Council (MSDC). She noted the proposal would reflect the established character of the area and would not have a negative impact on the open character of The Spinney open space to the west of the site. WSCC Highways Authority were consulted on the application and raised no objection on highway safety grounds. The Council's Tree Officer also raised no objection

following the submission of an amended tree protection plan and subject to compliance with the protection measures.

The Chairman reminded Members the application was before the Committee as part of the land is owned by MSDC. As there were no questions, Councillor Sweatman proposed to move the recommendation, this was seconded by Councillor Eggleston.

The Chairman took Members to the vote, which was agreed unanimously with 9 in favour.

## **RESOLVED**

The planning permission was approved subject to the conditions outlined at Appendix A.

### **6 DM/21/3898 - 3 - 15 THE BROADWAY, HAYWARDS HEATH, WEST SUSSEX, RH16 3AQ.**

Steven King, Planning Applications Team Leader, introduced the report which sought full planning permission for the demolition of existing buildings at The Broadway, Haywards Heath and the erection of a replacement building to provide a mixed use development of commercial units and 37 units of Retirement Living Accommodation with associated communal facilities and landscaping. He drew Members attention to the Agenda Update Sheet with further comments from the Tree officer and an additional reason for refusal relating to the impact on existing trees and therefore the proposal conflicts with policy DP37 of the Mid Sussex District Plan 2014-2031.

The Planning Applications Team Leader went through the key issues of the application in detail. He noted that although the principle of the application was acceptable the design of the scheme was not of the high quality that was sought by national planning policy or the development plan. He outlined that there was harm to the setting of designated and non-designated heritage assets and that the public benefits of the scheme would not outweigh this harm. He also noted the additional comments from the Tree Officer, which resulted in a further reason for refusal. In relation to noise this had been studied in detail. The Planning Applications Team Leader noted that the Councils Environmental Health Officer was satisfied that the amenities of future occupiers of the development would be acceptable in relation to noise. He also noted that the development should not result in undue restrictions being placed on the adjoining business at the public house. Finally, the Planning Team Leader advised that the development did generate a requirement for affordable housing and infrastructure provision. As there was no legal agreement in place to secure the affordable housing contributions or infrastructure contributions, the proposal was also contrary to policy DP20 and this was also a reason for refusal.

The Chairman asked Members if they wished to debate the item, as there were no questions the Chairman drew Members attention to the additional reasons for refusal as set out in the Agenda Update Sheet.

The Chairman took Members to the recommendation, proposed by Councillor Coote and seconded by Councillor Phillips, which was approved unanimously with 9 in favour.

**RESOLVED**

The planning permission be refused for the reasons set out in Appendix A.

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

None.

The meeting finished at 4.27 pm

Chairman

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MID SUSSEX DISTRICT COUNCIL

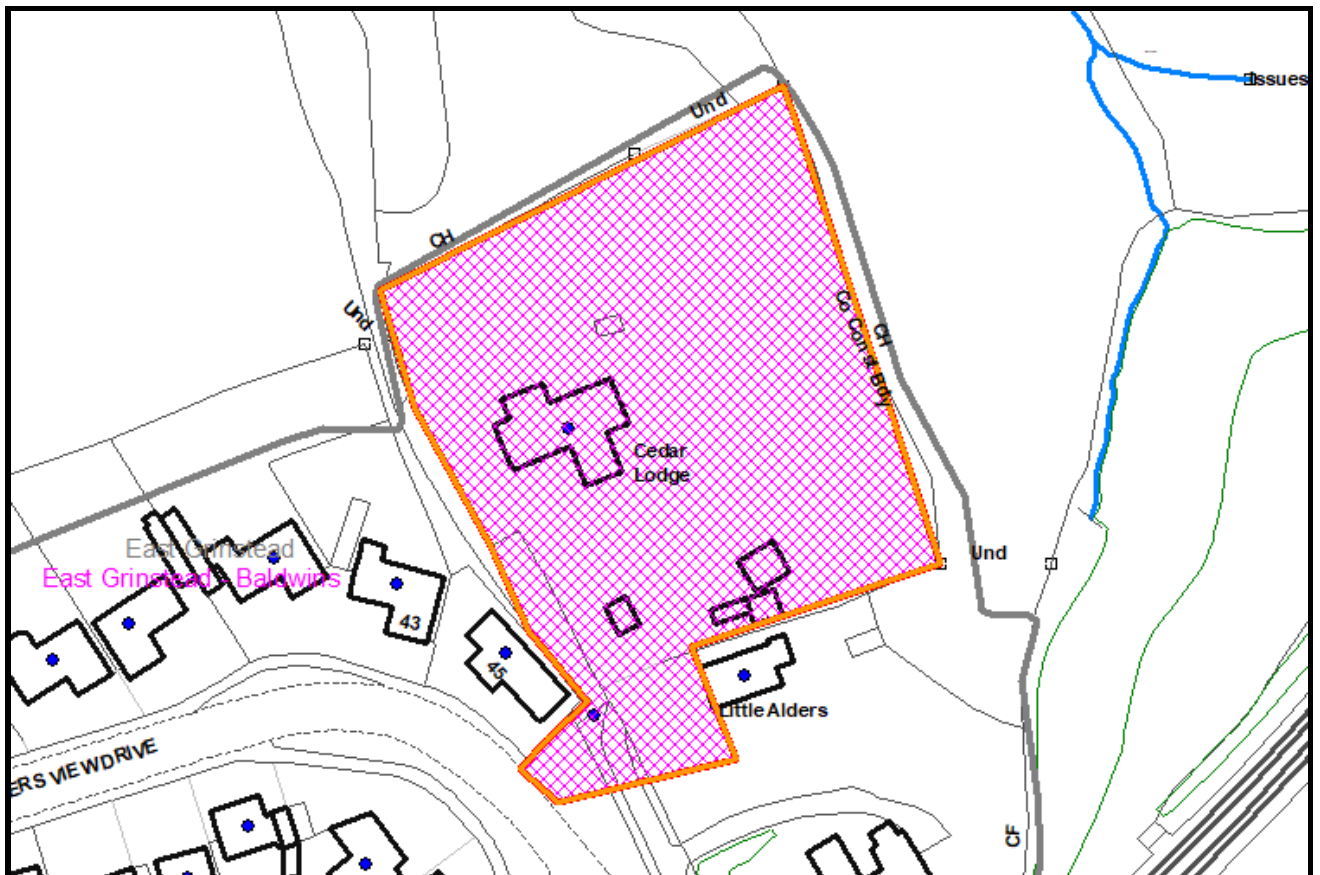
Planning Committee

**9 MAR 2023**

RECOMMENDED FOR PERMISSION

**East Grinstead**

**DM/22/3871**



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**CEDAR LODGE HACKENDEN LANE EAST GRINSTEAD WEST SUSSEX  
RH19 2DL**

**PROPOSED AUTOMATED TIMBER 5-BAR ENTRANCE GATE,  
PERMEABLE DRIVEWAY SURFACE TREATMENT, DROPPED KERB AND  
PLANTING. (REVISED DESCRIPTION AGREED 12.01.2023) (UPDATED  
PLANS AND FURTHER INFORMATION RECEIVED 12.01.2023 AND  
24.01.2023)**

**MR P.LEDERER**

POLICY: Ancient Woodland / Aquifer (Source) Protection Zone / Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Built Up Areas / Countryside Area of Dev. Restraint / Green Belt / Planning Agreement / Planning Obligation / Public Right Of Way / Aerodrome Safeguarding (CAA) / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Householder

8 WEEK DATE: 24th February 2023

WARD MEMBERS: Cllr Norman Webster / Cllr Julie Mockford /

CASE OFFICER: Caroline Grist

### **Purpose of Report**

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

### **Executive Summary**

This application seeks planning permission for an automated timber 5-bar entrance gate, permeable driveway surface treatment, dropped kerb and planting at Cedar Lodge, Hackenden Lane East Grinstead.

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 National Planning Policy Framework.

It is considered that whilst a number of concerns have been raised regarding the proposal, the development would not appear incongruous in the surrounding area, significantly harm amenity, result in significant highways safety concerns or drainage issues, subject to planning conditions. The distinction has been lost between the built up area and the countryside and the proposed access is not substantial in width and would be surrounded by landscaping. The additional level of use, given the purpose of the development, would not give rise to significant amenity concerns for residents on Alders View Drive. An automatic gate is included as part of the development, which would prevent direct through traffic, and no objections have been raised by the Highways Authority, Public Rights of Way Officer or Drainage Engineer.

The proposal would therefore comply with policies DP12, DP21, DP26 and DP41 of the Mid Sussex District Plan 2014-2031, policy EG3 of the East Grinstead Neighbourhood Plan, the Design Guide Supplementary Planning Document as well as the broader requirements of the NPPF.

Planning permission should therefore be granted, subject to the conditions outlined at Appendix A.

### **Recommendation**

It is recommended that permission be granted subject to the conditions outlined at Appendix A.

## **Summary of Representations**

31 representations were originally received in response to this application. Of these 29 are in objection and, in summary, raise the following matters:

- No reference is made to dropping the kerb,
- Plans are unclear,
- Letter not received by resident,
- Previous planning applications have been refused,
- Proposal constitutes unnecessary development within the countryside,
- Development would be harmful to the rural character,
- Will have an adverse impact on the character of Alders View Drive,
- Question if the proposed gate is timber or metal,
- Trees and vegetation have been removed from the land,
- Adverse impact to residents of Alders View Drive,
- Noise impact,
- Increase in traffic would create more pollution,
- Desk top responses have been provided by consultees,
- Permission has been refused by the Highways Authority,
- Permission will be required from the Highways Authority to drop the kerb,
- There is an existing access to the property,
- There will be two accesses to the property,
- Increased traffic onto Alders View Drive and surrounding roads,
- Hackenden Lane is not suitable for further traffic,
- Other people may use the access,
- The access arrangement for The Oaks is not comparable to this proposal,
- Concern relating to if the gate is not closed,
- Concern regarding the access being used as a rat run,
- Emergency services can reach Cedar Lodge,
- Safety concerns for pedestrians,
- Safety concerns for other vehicle users,
- Safety concerns relating to railway traffic and the bridge,
- There will be potential for the access to be used as a road,
- Bollards or a gate should be installed in the pavement opposite Cedar Lodge,
- Confusion as to how to access properties,
- Alders View Drive should remain as a cul-de-sac,
- Applicant and others are currently driving over this area to gain access to the dwelling,
- The land has become muddy and unsafe,

- Heavy vehicles have crossed the land,
- There is no gate to stop others from using the access,
- Development will increase water runoff onto Alders View Drive,
- Loss of ecology,
- No need for the proposed development,
- Question the purpose of the application,
- There will be a future application for houses at Cedar Lodge,
- Conditions should be imposed on any permission to prevent the future development of the property,
- Will create a precedent of linking Hackenden Lane and Alders View Drive,
- Disagree with comments made in support of the application,
- The applicant was aware of the access arrangement when purchasing the property,
- The application is inaccurate and untruthful, and
- Concerns regarding the applicant.

One letter was also received from a resident stating that they now wished their view to be neutral, rather than objecting.

One further representation was received supporting the application. In summary the points made are as follows:

- There is a gate between Hackenden Lane and Alders View Drive, which is assumed to be retained,
- Previously advised that planning permission would not be required to create an access onto Alders View Drive from The Alders,
- Highways Authority advised that an application would be needed to drop the kerb and for a locked gate, or similar, to prevent through traffic,
- The route from Hackenden Lane to Charlwood Road is blocked at both ends to prevent through traffic,
- The Oaks has access to both Hackenden Lane and Alders View Drive and has not increased traffic,
- Hackenden Lane is designated a footpath for public access only, therefore any other vehicle using it, other than a resident, would be illegal,
- There is a weight limit on the bridge and a tight bend after and delivery vans have refused to make deliveries,
- Fire services could not reach The Alders, Little Alders and Cedar Lodge using Hackenden Lane,
- An ambulance was hampered trying to access The Alders and Little Alders,
- The northern end of Hackenden Lane can become impassable,
- Hackenden Lane can become blocked at the southern end, causing access problems,
- Planning permission has been previously refused for houses at Cedar Lodge, and
- Land to the north and the east of the site is within Surrey and is designated for ecology reasons, which would prevent future development.

Following revisions to the description and the submission of updated plans and further information, a re-consultation was undertaken. A further fifteen responses were received in objection. In summary the following matters were raised:

- Question if the Highways Authority have been consulted as this application is linked to a future submission for a dropped kerb,
- The site notice has not been positioned to show the position of the access,
- There appears to be a missing drawing,
- Detrimental impact to the countryside,
- Affect the character of Alders View Drive,
- The land has already been cleared and a hedge has been removed,
- The access will become a rat run,
- There will be an increase in traffic,
- Hackenden Lane is not suitable for more traffic,
- Will cross a Public Right of Way,
- Safety concern for pedestrians,
- Safety concerns for vehicle users,
- Visibility concerns,
- Any type of vehicle could use the access,
- Will become a through road,
- Will be more cars on Alders View Drive and surrounding roads,
- A condition should be attached to any permission that states that only the homeowners can have a fob to use the gate,
- Gate could be removed,
- Concern that the gate will not always be closed,
- Permeable surface would not be sufficient to prevent water running onto Alders View Drive,
- Loss of amenity to Alders View Drive,
- Noise and disturbance concerns,
- Detrimental impact to residents,
- The works at The Oaks are not comparable,
- The land is a being driven over,
- The land has become very muddy,
- Will result in an application to redevelop the land further,
- Groundworks have taken place at this property,
- This development is not needed,
- Question if a decision will be made by Planning Committee, and
- Concerns raised regarding the applicant.

It should be noted that the Local Planning Authority are required to assess each application they receive on its own merits, against relevant local and national policies, as well as any other material considerations.

All adjoining neighbours were notified of the application, as required, and were notified again during the re-consultation. The re-consultation also included any resident who had previously commented and a general site notice was put up. The site notice was attached to the fence of the application property and opposite the

land where the access is proposed. The application file has been kept up to date with the latest versions of the plans which were ready for publication.

It should be noted that only material planning considerations can be taken into account when assessing an application. As such matters such as to the motive of the application or concerns about the applicant cannot be taken into account.

### **Summary of Consultations**

#### **WSCC Highways Authority**

No objection. Informative recommended.

#### **WSCC Public Rights of Way Officer**

No objection. Conditions recommended.

#### **MSDC Drainage Engineer**

No objection.

### **TOWN COUNCIL OBSERVATIONS**

The Committee recommends refusal based on the same reason as was previously discussed on 23rd of January. The application has not addressed the issues that were the reasons for refusal beforehand.

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### **Introduction**

This application seeks planning permission for the installation of an automated timber five-bar entrance gate, permeable driveway surface treatment, dropped kerb and planting at Cedar Lodge, Hackenden Lane, East Grinstead.

### **Planning History**

GR/337/98 - Erection of 3 extensions and brick surround, erection of 2 outbuildings. Permission.

DM/17/3001 - Outline planning application for residential development of up to 8no. new units with associated access, all other matters reserved. Refused.

Reasons for refusal:

1. The proposed development within the Countryside Area of Development Restraint would be harmful to the character and appearance of the area as a result of the formation of its access from Alders View Drive and the incongruous urbanisation of a spacious plot on the rural fringe. The proposal is contrary to policies C1, B1 and B7 of the Mid Sussex Local Plan, Policies EG2, EG3 and EG5 of the East Grinstead Neighbourhood Plan, policies DP10, DP13, DP24 and DP36 of

the Mid Sussex District Plan 2014-2031 Submission Version and paragraphs 7, 14, 17, 53, 58 and 61 of the National Planning Policy Framework.

2. The applicant has failed to provide sufficient ecological information in regard to protected species to enable proper assessment of the proposals against relevant planning policies for biodiversity conservation. In addition, the proposal does not provide for an undeveloped semi-natural habitat buffer zone to the adjacent ancient woodland and does not mitigate the potential impact on the Ashdown Forest Special Protection Area (SPA). The proposal is contrary to the Conservation and Habitats and Species Regulations 2010, policies C5 and C6 of the Mid Sussex Local Plan, policies DP15 and DP37 of the Mid Sussex District Plan 2014-2031 Submission Version and paragraphs 109 and 118 of the National Planning Policy Framework.

### **Site and Surroundings**

Cedar Lodge is a detached, south facing bungalow that is situated to the east of Hackenden Lane. There are further residential properties located to the south and ancient woodland lies to the north and east. There is an area of land to the west of Cedar Lodge that separates Hackenden Lane from Alders View Drive. This parcel of land is where the proposed development is to be sited and has an area of approximately 161.9 square metres.

Whilst Cedar Lodge is within the countryside, the built up area boundary of East Grinstead lies to the west of Hackenden Lane. As such, the majority of the land to which this application relates is within the built up area. There are also Public Rights of Way around the application site. Hackenden Lane is identified as a footpath (416Sy) and to the north is a further footpath, that connects Hackenden Lane to Alders View Drive (417aSy). The second footpath does not form part of the application site.

### **Application Details**

Planning permission is sought for an automated timber 5-bar entrance gate, permeable driveway surface treatment, dropped kerb and planting. It is intended to create a driveway across the site, including a dropped kerb on Alders View Drive, in order to create direct access from Alders View Drive to Cedar Lodge. This access is to be approximately 2.9 metres wide and would be finished in a permeable surface.

Along the northern boundary of the land an automated, timber, gate and fencing are to be sited. The fencing is to be some 1.0 metre high whilst the gate would be 1.2 metres high. Around the access landscaping is proposed including a hedge, along the northern boundary, and trees.

### **LEGAL FRAMEWORK AND LIST OF POLICIES**

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

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.'*

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.'*

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.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the Mid Sussex District Plan, East Grinstead Neighbourhood Plan and Site Allocations Development Plan Document.

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**

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

Relevant policies:

DP12 - Protection and Enhancement of Countryside

DP21 - Transport

DP26 - Character and Design

DP41 - Flood Risk and drainage

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

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.



### **Site Allocations Development Plan Document**

The Site Allocations DPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

### **East Grinstead Neighbourhood Plan**

The East Grinstead Neighbourhood Plan was made in November 2016.

Relevant policies:

Policy EG3 - Promoting Good Design

### **Site Allocations Development Plan Document**

The Site Allocations DPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

### *Mid Sussex Design Guide Supplementary Planning Document*

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*

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 that is well designed, beautiful and safe, with accessible local services, and using natural resources prudently.

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.'*

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.'*

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.

Paragraph 134 of the NPPF states:

*'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes, and/or*
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'.*

*National Planning Policy Guidance*

*Ministerial Statement and National Design Guide*

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.

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.

## **ASSESSMENT**

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

- Impact on the character of the surrounding area,
- Impact on neighbouring properties,
- Highways safety,
- Drainage, and
- Planning balance and conclusions.

## **Impact on the character of the surrounding area and neighbouring properties**

Policy DP12 of the Mid Sussex District Plan relates to development within the countryside and seeks to protect the countryside in recognition of its intrinsic character and beauty.

Policy DP26 relates to character and design and 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.'*

East Grinstead Neighbourhood Plan policy EG3 states:

*'Planning permission will normally be granted where development proposals meet the following criteria:*

- *The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area,*
- *The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity,*

- *The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area,*
- *The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site,*
- *The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas,*
- *New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment, and*
- *The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour, and*
- *Proposals make provision for green infrastructure and biodiversity enhancement.'*

Planning permission is sought for an automated timber 5-bar entrance gate, permeable driveway surface treatment, dropped kerb and planting.

The area of land, where the proposed development is to be sited, was previously undeveloped and characterised by dense vegetation. Under application DM/17/3001, this land was identified as providing a visual barrier between the 1970s estate development of Alders View Drive and the expansive, verdant plots of Cedar Lodge, Little Alders and The Alders. This vegetation did not benefit from statutory protection and was not considered worthy of such protection under the previous application. The vast majority of the application site is within the built up area of East Grinstead as defined in the District Plan. The built up area is sited to the west of Hackenden Lane.

The vegetation has now been cleared from the site and, given its status, would not have required permission to do so. It would also appear that vehicles have been crossing the land for a period of time.

The removal of the vegetation is considered to have changed the character and appearance of the area. There is no longer a green buffer separating the defined built up area and the countryside and, as such, these areas are less distinct. The access road that is being proposed would only be suitable for one way traffic and is significantly narrower than Alders View Drive. Landscaping is also proposed, which would soften the proposed development and would be of benefit to the surrounding area. A post and rail style fence and five bar gate are also proposed which would additionally provide an appropriately designed separation between these areas again. Conditions can be attached to any permission to secure the final details of hard and soft landscaping.

Concern has been raised regarding the change that would occur to Alders View Drive. The access is only intended to be used by the residents of Cedar Lodge, therefore there should not be a significant intensification of traffic along Alders View Drive. Details have been provided of the proposed gate mechanism that sets out that the gate is to be accessed by remote control. This would restrict the number of

vehicles using the access. Furthermore the application description specifies that the gate to be installed is automated.

Due to the nature and position of the proposed works it is considered that there would not be a harmful impact to neighbour's light, outlook or privacy as a result of the development. As set out above, given the limited use of the access, it is considered that there would not be a significant harm in terms of noise, air and light pollution above and beyond the current situation for residents of Alders View Drive.

It is therefore considered that, on balance, given the changes that have occurred to the streetscene the proposed development would not be significantly harmful to the character of the area. Due to the intended use of the gate and, considering the details of the mechanism that have been provided, it is considered that there would not be significant harm to the amenity of surrounding residents. The proposal would consequently meet the requirements of policies DP12 and DP26 of the Mid Sussex District Plan and policy EG3 of the East Grinstead Neighbourhood Plan.

### **Highways safety**

Policy DP21 of the Mid Sussex District Plan relates to transport and states:

*'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:*

- *A high quality transport network that promotes a competitive and prosperous economy,*
- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time,*
- *Access to services, employment and housing, and*
- *A transport network that feels, and is, safer and healthier to use.*

*To meet these objectives, decisions on development proposals will take account of whether:*

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy),*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up,*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages,*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use*

*of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable,*

- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded,*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements,*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation,*
- The scheme protects the safety of road users and pedestrians, and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

*Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*

*Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so'.*

Paragraph 111 of the NPPF states '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*'

Comments have been received from the Highways Authority during the course of the application. It has been advised that they undertook a site visit in January 2023 and noted that activity had been taking place on site. With regards to highways safety it is advised that suitable visibility will be provided onto Alders View Drive and that the Highway Authority would be satisfied with the installation of a gate to prevent the access from being used as a rat run by other highway users.

No comment has been provided in terms of the dropped kerb, as this would be subject to a licence application under the Highways Act. Planning applications need to be considered with regards to planning matters and it would be the responsibility of the developer to ensure that they comply with all relevant legislation.

The Public Rights of Way Officer has drawn attention to the surrounding designated footpaths. No objection has been raised by the Public Rights of Way Officer in terms of vehicles crossing Hackenden Lane and a number of conditions have been recommended. The matters referred to, however, are understood to relate to matters covered in the Countryside and Rights of Way Act (2000) and, as such, they would not meet the tests required for planning conditions. They can be included as informatives, so the applicant is aware of these requirements.

A number of representations have been made relating to other vehicles using the access to reach Blackwell Farm Road, where Blackwell Primary School is also located. It is also recognised that the surrounding rights of way are frequently used by pedestrians and the condition of Hakenden Lane, which is not an adopted

highway, would not be suitable for heavy traffic. A condition is therefore proposed that would require the automatic gate to be installed prior to the first use of the proposed access, to ensure the installation of the gate at an appropriate time. Further to this, should there be an issue with the gate, it is considered necessary and reasonable for a condition to be included so that the development shall only be used by the residents of Cedar Lodge. These conditions should ensure that the development is used as intended and prevent the intensification Hackenden Lane.

It is therefore considered that the proposed development, with the recommended conditions, would accord with the requirements of policy DP21 of the Mid Sussex District Plan.

## **Drainage**

Policy DP41 of the District Plan also relates to flood risk and, in part, states:

*'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.*

*Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'*

The area where the development is to take place is situated within flood zone 1 and is not advised as being in an area at risk of surface water drainage. It is noted that there may currently be issues with regards to surface water drainage, however the site is not in a good condition due to having been driven over. The proposed development will create a formalised access, which would use permeable paving, creating an appropriate surface. The remaining area is to comprise soft landscaping.

The Council's Drainage Engineer has reviewed the application and advised that, as the access is to be formed of permeable paving, no objection is raised to the proposed development.

It is therefore concluded that the proposed development would comply with the requirements of policy DP41 of the Mid Sussex District Plan.

## **Planning Balance and Conclusions**

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.

Planning permission is sought for an automated timber 5-bar entrance gate, permeable driveway surface treatment, dropped kerb and planting. Whilst the concerns raised are acknowledged it is considered that, subject to the inclusion of relevant planning conditions, the proposed development would not appear incongruous in the surrounding area, result in significant highways safety concerns or drainage issues. The distinction has been lost between the built up area and the countryside and the proposed access is not substantial in width and would be surrounded by landscaping. The additional level of use, given the purpose of the development, would not give rise to significant amenity concerns for residents on Alders View Drive. An automatic gate is included as part of the development, which would prevent direct through traffic, and no objections have been raised by the Highways Authority, Public Rights of Way Officer or Drainage Engineer.

It is therefore recommended that planning permission should 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. 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 Applications'.

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

3. Prior to the commencement of development, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These and these works shall be carried out as approved prior to the first use of the driveway or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP12 and DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy EG3 of the East Grinstead Neighbourhood Plan.

4. Prior to the first use of the driveway the automated gate shall be installed and fully operational, in accordance with the details submitted as part of this application. It shall be retained as such thereafter.



Reason: In the interests of highway safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

5. The driveway hereby permitted shall be used for the benefit of the residents of Cedar Lodge, Hackenden Lane, East Grinstead only.

Reason: In the interests of highway safety and to accord with Policy DP21 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.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

3. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW), this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by (Mid Sussex District Council) as the local planning authority. Further advice can be provided on request.
4. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route advice on the legal width can be provided by the WSCC PROW Team.
5. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

6. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.
7. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.
8. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.
9. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.
10. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.
11. Some properties have private rights over them for the benefit of a particular individual or property, for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access, the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.
12. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.
13. Where it is necessary to undertake works within the legal width of a PROW (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved, that a minimum of 2 weeks is needed to consider an application.
14. The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning

permission does not guarantee that a vehicle crossover licence shall be granted.

Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

### **Plans Referred to in Consideration of this Application**

The following plans and documents were considered when making the above decision:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Proposed Block Plan	02	D	12.01.2023
Proposed Elevations	02	D	12.01.2023
Location and Block Plan	01	A	21.12.2022
Existing Elevations	01	A	21.12.2022

## **APPENDIX B – CONSULTATIONS**

### **East Grinstead Town Council**

Recommend Refusal: WSCC have carried out a desk top planning study, which is exceptionally disappointing, this needs to be seen to understand the affect that the clearance work has had. There is no understood reason as to why this entrance is necessary as there is adequate access to the property along Hackenden Lane. The Public Right of Way must be maintained, there are concerns as to the use of this by pedestrians not least youngsters attending school. Mid Sussex policies DP22 would not be satisfied also DP26 is affected as this will change the nature of Alders View Lane as a cul de sac. Committee cannot see the logic to this application, creating a rat run is not supported which could have far reaching changes to this part of the town. It would appear that for highways to be satisfied more work is needed including a personal visit.

#### *Further response*

The Committee recommends refusal based on the same reason as was previously discussed on 23rd of January. The application has not addressed the issues that were the reasons for refusal beforehand.

### **WSCC Highways Authority**

This application is for the creation of a new driveway with 5-bar entrance gate and planting. The site is located off Alders View Drive, an unclassified road subject to a speed restriction of 30 mph.

WSCC in its role as Local Highway Authority (LHA) undertook a site visit on 11/01/2023. It was evident from the site visit that works have retrospectively begun in preparing the site for the proposed development.

Regarding the proposals, the proposed driveway will connect the site to Alders View Drive from Hackenden Lane. The proposed driveway exhibits suitable visibility in both directions at the proposed access point on to Alders View Drive. In addition, the provision of a gate will prevent the use of the proposed driveway being used as a 'rat-run' by other highway users.

The proposed works will require a dropped kerb, which would be subject to a licence obtained through the local Highway Area Office, and would be constructed to a specification agreed with the local Highway Area Engineer.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following informative should be applied:

#### Vehicle Crossover - Minor Highway Works

The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted.

Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.  
<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-applicationform/>

#### *Further Response*

This application is for the creation of a new driveway with 5-bar entrance gate, dropped kerb and planting. The site is located off Alders View Drive, an unclassified road subject to a speed restriction of 30 mph.

WSCC in its role as Local Highway Authority (LHA) previously provided comment on this application, dated 13/01/2023, raising no highway safety concerns. The applicant has submitted updated application documents and as such, the LHA has been reconsulted.

From inspection of the application documents, the newly submitted information does not warrant further comment from a highway safety point of view, and as such the LHAs previous consultation response remains valid. The LPA are advised to refer to the LHAs previous consultation response, dated 13/01/2023, for relevant comments and recommended informative.

#### **WSCC Public Rights of Way Officer**

Thank you for the opportunity to comment on the above numbered planning application. This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. In respect to the above planning application I would provide the following comments.

Whilst it is clear from the application that footpath 417aSy runs separate to but alongside the proposed driveway, it is not made quite so clear that footpath 416Sy crosses the proposed driveway (This path 416Sy runs along Hackenden Lane and continues beyond the end of the lane in a north westerly direction past Cedar's Lodge - See map below).

In view of this, I would recommend that should the authority grant approval this should be subject to the following conditions:

A. The granting of planning permission does not authorise obstruction of, interference to or moving of any Public Right of Way (PROW), this can only be done with the prior consent of West Sussex County Council (WSCC), as highway authority, and possibly also a legal Order process by (Mid Sussex District Council) as the local planning authority. Further advice can be provided on request.

B. Safe and convenient public access is to be available at all times across the full width of the PROW, which may be wider than the available and used route - advice on the legal width can be provided by the WSCC PROW Team.

C. The path is not to be obstructed by vehicles, plant, scaffolding or the temporary storage of materials and / or chemicals during any works. These will constitute an offence of obstruction under the Highways Act 1980.

D. No new structures, such as gates and stiles, are to be installed within the width of the PROW without the prior consent of the WSCC PROW Team. These will constitute an offence of obstruction under the Highways Act 1980.

E. Any down pipes or soakaways associated with the development should discharge into an existing or new drainage system and away from the surface of the PROW. No drainage system is to be installed through the surface of the path without the prior consent of the WSCC PROW Team.

F. Where the ground levels adjacent to the PROW are to be raised above existing ground levels, this could increase the potential to flood the path. A suitable drainage system must be installed adjacent to the path to a specification agreed with the WSCC PROW Team prior to development commencing.

G. Any alteration to or replacement of the existing boundary with the PROW, or the erection of new fence lines, must be done in consultation with the WSCC PROW Team to ensure the legal width of the path is not reduced and there is no unlawful encroachment.

H. The applicant is advised that a public access right has precedence over a private access right. Where a PROW runs along a route also used for private access purposes, usually for private vehicle access, this shared use has the potential for accident or injury - the applicant must consider how access is managed so the public is not endangered or inconvenienced.

I. Some properties have private rights over them for the benefit of a particular individual or property, for example, a landowner may have the right to drive over a neighbour's track to gain access to property. This right of access is granted to individuals and / or properties only and does not extend to the public. The WSCC PROW Team does not hold records of private rights of access, the applicant is encouraged to check that no private access rights will be detrimentally affected by this proposal.

J. It is an offence to damage the surface of a PROW without the prior consent of the WSCC PROW Team. The applicant must supply a specification and secure the approval of the WSCC PROW Team before works affecting the PROW begin, even if the surface is to be

improved. Where a PROW surface is damaged and there was no prior consent, the applicant will be liable and required to make good the surface to a standard satisfactory to the WSCC PROW Team.

K. Where it is necessary to undertake works within the legal width of a PROW (or for development works immediately adjacent to a PROW that can not reasonably be managed through different Health and Safety practice) the applicant must be advised to apply to WSCC PROW Team for a temporary path closure. The applicant must be advised there is no guarantee an application will be approved, that a minimum of 2 weeks is needed to consider an application.

**MSDC Drainage Engineer**

Following confirmation that the surfacing of the proposed access would be formed of permeable paving the flood risk and drainage team have no objection to the above application.

MID SUSSEX DISTRICT COUNCIL

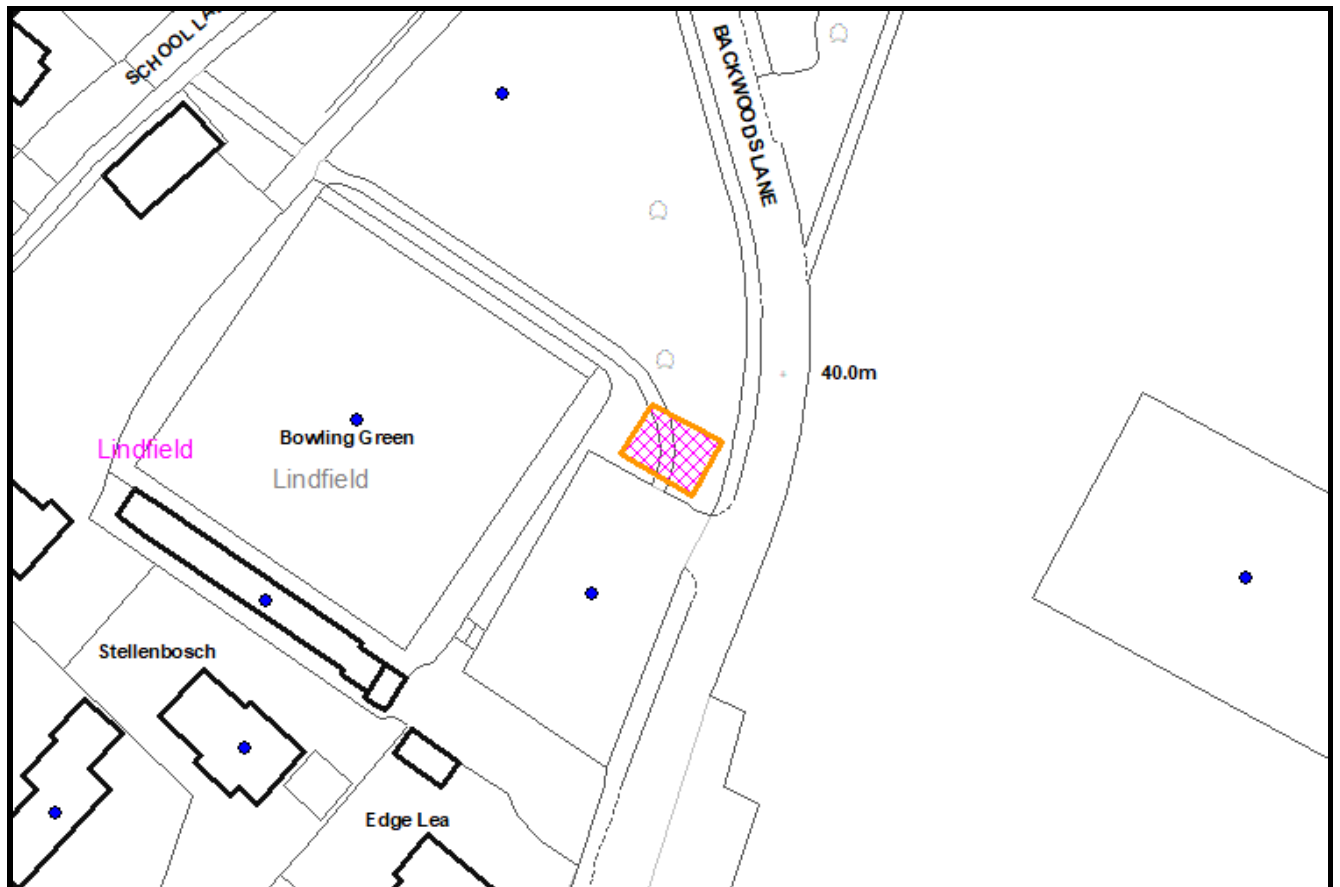
Planning Committee

9 MAR 2023

RECOMMENDED FOR PERMISSION

Lindfield

DM/22/3791



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**LINDFIELD BOWLING CLUB LINDFIELD COMMON BOWLING GREEN  
CAR PARK BACKWOODS LANE LINDFIELD WEST SUSSEX  
THE CONSTRUCTION OF A PUBLIC CONVENIENCE BLOCK ON  
COMMON LAND TO THE NORTH OF THE CAR PARK AT LINDFIELD  
BOWLING CLUB ON BACKWOODS LANE. THIS APPLICATION IS A RE  
SUBMISSION OF APPROVED APPLICATION DM/19/0071 AND HAS BEEN  
UPDATED TO INCORPORATE THE NEW CHANGING PLACES  
LEGISLATION.**

## **MR ANDREW FUNNELL**

POLICY: Article 4 Direction / Built Up Areas / Conservation Area / Pre 1974 Conservation Area Boundary / Common Land / Aerodrome Safeguarding (CAA) /

ODPM CODE: Minor Other

8 WEEK DATE: 10th March 2023

WARD MEMBERS: Cllr Andrew Lea / Cllr Anthea Lea / Cllr Jonathan Ash-Edwards /

CASE OFFICER: Hamish Evans

### **PURPOSE OF THE REPORT**

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

### **EXECUTIVE SUMMARY**

The application seeks planning permission for the construction of a public convenience block at Land North of Lindfield Common, Bowling Green Car Park, Backwoods Lane, Lindfield.

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

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.

The site is located within the built up area boundary of Lindfield and the site falls within the Lindfield Conservation Area as defined by the Mid Sussex District Plan and Lindfield and Lindfield Rural Neighbourhood Plan. The provision of public toilets at Lindfield Common is an identified infrastructure project to support the development proposals in the Neighbourhood Plan (Proposal 3).

Taking into account the nature of the proposal, its design and appearance 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 is considered to conserve the special character and appearance of the Lindfield Conservation Area. Due to the position of the proposal its impact on existing trees and impact on highways safety is considered acceptable and can be secured by a suitable worded condition.



For the above reasons, the proposal is deemed to comply with policies DP21, DP25, DP26, DP35, DP37 and DP41 of the Mid Sussex District Plan, policy 1 and proposal 3 of the Lindfield and Lindfield Rural Neighbourhood Plan, the Mid Sussex Design Guide SPD, West Sussex County Council Guidance on Parking at New Development (September 2020) and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

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

## **SUMMARY OF REPRESENTATIONS**

23 third-party representation letters have been received in respect of this application. 10 object to the proposal due to the below reasons:

- Impact on character and appearance of Lindfield Common,
- Impact on highways safety,
- Site not easily accessible,
- Additional parking need attracted by the proposal,
- Permission needed to build on common land,
- Not accessible as west of Backwoods Lane,
- Proposal will open on to car park,
- Car park may be impeded during construction,
- Overbearing impact,
- Loss of outlook, and
- Increased noise and disturbance.

12 letters support the proposal due to the need of this type of facilities in the area.

1 letter neither object or supports the proposal but supports a toilet block being built but concern over the proposals impact on highways safety.

A representation letter has been received which states that the application wasn't advertised for public consultation. Several representation letters have proposed alternative sites for the proposal.

## **SUMMARY OF CONSULTATIONS**

### **LINDFIELD AND LINDFIELD RURAL PARISH COUNCIL**

No comment.

## **MSDC CONSERVATION OFFICER**

I consider that the proposal will comply with policy DP35 of the District Plan and the relevant paragraphs of the NPPF. Conditions are recommended to secure details of roofing, external doors and facing materials, also details of hard and soft landscaping.

## **WSCC HIGHWAYS AUTHORITY**

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

## **MSDC TREE OFFICER**

No objection subject to compliance with conditions.

## **MSDC ANTI-SOCIAL BEHAVIOUR OFFICER**

No objection subject to toilets being locked in the evening and a RADAR key system being in place for the disabled toilets.

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## **INTRODUCTION**

Planning permission is sought for the construction of a public convenience block on common land to the north of the car park at Lindfield Bowling Club on Backwoods Lane. The application is before the committee as it is located on land owned by Mid Sussex District Council.

## **RELEVANT PLANNING HISTORY**

DM/19/0071. Planning permission is sought for the construction of a public convenience block on common land to the north of the car park at Lindfield Bowling Club on Backwoods Lane. PERMISSION

## **SITE AND SURROUNDINGS**

The application site is located within the Lindfield built up area boundary and the Lindfield Conservation Area. The site forms part of the Lindfield Common and is located to the west of Backwoods Lane and the north of the Bowling Green car park. It is located to the west of Lindfield Common. There is an existing Lime tree located to the north of the proposed building and there is a some 2.0 metres high hedgerow to the west of the site which borders the existing Bowling Green. Backwoods Lane is an unclassified road subject to a speed restriction of 30 mph.

## **APPLICATION DETAILS**

The proposed toilet block measures some 5.1 metres in depth, 7.4 metres in width, an eaves height of 2.5 metres and a total height of 5.0 metres. It is to be finished in bare brown brick work walls, grey slate roof tiles and powder coated aluminium doors. It would consist of one unisex toilet, two unisex and baby changing toilets, one changing places toilet and one storage room. It has been confirmed that the Changing Places toilet will be Radar Key accessible and the remaining facilities will operate via electronic locks which will be open from dawn to dusk. The proposal also includes LED downlights and a panic alarm flashing beacon.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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

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.'*

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.'*

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.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Turners Hill Neighbourhood Plan and the Site Allocation DPD.

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**

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

Relevant policies:

DP6 - Settlement Hierarchy  
DP21 - Transport  
DP25 - Community Facilities and Local Services  
DP26 - Character and Design  
DP35 - Conservation Areas  
DP37 - Trees, Woodland and Hedgerows  
DP41 - Flood Risk and Drainage

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

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.

## **Lindfield and Lindfield Rural Neighbourhood Plan (adopted January 2016)**

Policy 1: A Spatial Plan for the Parishes

Proposal 3: Infrastructure Investment (whilst not a statutory policy, it is included in the NP as a community aspiration)

## **Site Allocations DPD (June 2022)**

No relevant policies

## **Mid Sussex Design Guide Supplementary Planning Document (SPD)**

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)**

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.'*

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.'*

## **National Planning Policy Guidance**

### *Ministerial Statement and Design Guide*

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.

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.

## **ASSESSMENT**

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 existing trees
- Impact on Conservation Area
- Highways matters
- Drainage,
- Other Matters, and
- Planning balance and conclusion.

### **Principle of development**

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Lindfield and Lindfield Rural Neighbourhood Plan and the Site Allocation DPD.

Policy DP6 of the Mid Sussex District Plan states in part:

*"Development will be permitted within towns and villages with defined built-up area boundaries"*

Policy 1 of the Lindfield and Lindfield Rural Neighbourhood Plan states in part:

*"Only development proposals within the built up area boundaries of Lindfield and Scaynes Hill, as shown on the Proposals Map, will be supported and the re-use of previously-developed sites will be encouraged, provided that the development is appropriate in scale, massing, and character, and that the proposals for development have had due regard to the policies contained elsewhere in this Plan and the Local Development Plan."*

District Plan policy DP25 in part states that:

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

*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."*

The Lindfield and Lindfield Rural Neighbourhood Plan proposal 3: Infrastructure Investment states in part:

*"The Parish Councils propose the financing and delivery of the following infrastructure projects using the Lindfield and Lindfield Rural allocation of the Mid Sussex Community Infrastructure Levy (once applicable) and other previous and future sources of funds as appropriate:*

*1. Provision of public toilets at Lindfield Common and Scaynes Hill Millennium Centre."*

The site is located within the defined built-up area boundary of Lindfield and it is identified in the Lindfield and Lindfield Rural Neighbourhood Plan proposal 3: Infrastructure Investment as a non-statutory community aspiration. Taking into account the above the principle of development is considered acceptable and the proposal complies with policies DP6 and DP25 of the Mid Sussex District Plan and policy 1 and proposal 3 of the Lindfield and Lindfield Rural Neighbourhood Plan.

## Design and Character

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."*

A similar ethos is found within the policy 1 of the Lindfield and Lindfield Rural Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The proposed external materials are to be similar in appearance to external materials used within the surrounding area and they are of a traditional design and appearance. Details of the proposed external materials can be secured by a suitably worded condition.

The proposed building is of a modest single storey nature and it is located near existing structures and hardstanding such as the bowling club and car park. Due to the appearance and design of the proposal it is sympathetic to the surrounding setting. Due to the appearance of the proposal and the scale of the existing hedgerow to the west of the site it would blend in with the hedgerow.

Taking into account the above 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 1 of the Lindfield and Lindfield Rural and the Mid Sussex Design Guide SPD.

Several representation letters have been received which object to the proposal due to its impact on the character and appearance of the Common. However, given the above assessment the proposal is considered to address the character and scale of the surrounding buildings and landscape, including the Common.

## **Conservation Areas**

Policy DP35 of the District Plan states:

*Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:*

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials,*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character,*
- *Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located,*
- *Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area,*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported,*
- *New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*
- *Development will also protect the setting of the conservation area and in particular views into and out of the area.*
- *New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area."*

The site is located within the Lindfield Conservation Area, as designated in 1969. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the heritage asset (the Lindfield Conservation Area), the site being within its boundary, and any features of special



interest, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Council's Conservation Officer has been consulted on the proposal and they raise no objection to the proposal subject to conditions securing details of external materials and hard and soft landscaping. The proposed building is modest in its scale and characterised by external materials that are in-keeping with the surrounding area. As such the proposal is considered to conserve the character and appearance of the Conservation Area and meets the requirements contained within policy DP35 of the Mid Sussex District Plan.

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

Policy DP26 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),"*

There are no residential properties within the immediate vicinity of the proposal and the neighbouring bowling club has a boundary hedge measuring some 2.0 metres in height. The proposal is of a modest single storey nature and the proposed openings would not have direct views into the private amenity spaces of residential properties within the surrounding area. The proposed external lighting is modest in its nature and will be un-operational when the facilities are closed. The Council's Anti-social Behaviour Officer has commented on the application and raised no objection subject to the proposal being locked at night, which can be secured by a condition. Taking into account the above the proposal is not considered to cause significant harm to the amenities of nearby residents including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

Several representation letters have been received objecting to the proposal due to its overbearing nature, the loss of outlook and increased noise and disturbance. Given the modest nature of the proposal and the above assessment the proposal is not considered to cause significant harm to the amenities of nearby residents and complies with policy DP26.

### **Trees, Woodland and Hedgerows**

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

*"The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected."*

*Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted."*

There is an existing Lime tree which is sited to the north of the proposed building which will be retained. An Arboricultural Impact Assessment has been submitted as part of the application which sets out tree protection methods, these can be secured by a suitably worded condition. The Council's Tree Officer does not object to the proposal subject to the adherence of the protection measures set out within the Arboricultural Impact Assessment. As such the proposal complies with policy DP37 of the Mid Sussex District Plan.

## **Highways Matters**

District Plan policy DP21 in part states:

*"The scheme protects the safety of road users and pedestrians, and"*

Paragraph 110 of the NPPF is relevant in respect of transport matters and states that:

*"In assessing sites that may be allocated for development in plans, or specific application for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location,*
- b) safe and suitable access to the site can be achieved for all users,*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance. Including the National Design Guide and the National Model Design Code, and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

In addition, paragraph 111 of the NPPF states:

*"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*

Several representation letters have been received which object to the proposal due to its impact on highways safety and its impact on the existing car park to the south of the proposal.

The local highways authority have been consulted on the proposal and raised no objection to the proposal due to it not having an unacceptable impact highway safety or result in "severe" cumulative impact on the operation of the highway network. Taking into account the above the proposal is considered acceptable and the proposal complies with policy DP21 of the Mid Sussex District Plan.

A similar application was also permitted previously under application DM/19/0071. The proposal is not located within the existing car park to the south of the proposal and there are several car parks within the surrounding area. The construction works are considered to be temporary and as such are not considered to impede the workings of the existing car park. As such the proposal is considered acceptable in relation to highways safety and impact on the existing car park to the south.

### **Drainage and Surface Water Flooding**

Policy DP41 seeks to ensure that development is safe across its lifetime and to restrict development that would increase the risk of flooding. The proposed development is within flood zone 1 and is deemed to be at low fluvial flood risk. It is proposed that the development will manage surface water drainage through the use of a soakaway and the foul water drainage through the use of the main foul sewer. Details of this can be secured by a condition and as such the councils Drainage Engineer has no objection subject to the details, and hence the proposal would comply with Policy DP41 of the Mid Sussex District Plan.

### **Other Matters**

Representation letters have been received which in part object to the proposal due to the site not being easily accessible, permission being needed to build on common land and that the proposal was not adequately advertised to the public. The site is located within a publicly accessible common where there are no physical obstructions to the site. Permission to build on common land is a separate legal issue not dealt with by the planning regime. Site notices were posted around the application site and an advertisement was put in the local newspaper. Neighbour notification letters were sent out and as such the application is considered to have been advertised in-line with the relevant legislation.

Several representation letters have been received which propose alternative application sites. However, the Local Planning Authority must determine the application that has been submitted.

### **Planning Balance and Conclusions**

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.

The proposal is identified in the Lindfield and Lindfield Rural Neighbourhood Plan proposal 3: Infrastructure Investment and the site is located within the Lindfield built up area boundary. As such the principle of development is considered acceptable under policies DP6 and DP25 of the Mid Sussex District Plan and policy 1 and proposal 3 of the Lindfield and Lindfield Rural Neighbourhood Plan.

The proposal would be of an appropriate design, size and scale that address the character and scale of the surrounding buildings and landscape and it is not considered to cause a significant harm to the amenities of nearby residents in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook. A condition can be applied to secure an appropriate palette of materials. Due to the design and scale of the proposal it is considered to conserve the character and appearance of the Conservation Area and the Council's Conservation Officer has raised no objection to the proposal subject to the imposition of conditions securing the external materials.

The Highways Authority does not consider that the proposal would have a 'severe' impact on the operation of the Highway network. The councils Drainage Engineer has no objection subject to the details and the Tree Officer has raised no objections and the councils Anti-Social Behaviour Officer has not raised any concerns subject to certain conditions detailed in the report.

As such the proposed development complies with DP6, DP21, DP25, DP26, DP35, DP37 and DP41 of the Mid Sussex District Plan, Policy 1 and Proposal 3 of the Lindfield and Lindfield Rural Neighbourhood Plan and the relevant policies within the NPPF.

The application is therefore recommended for approval subject to the conditions listed in Appendix A.

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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.

### **Approved Plans**

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.

3. The development hereby permitted shall not be open except between the below times frames:

Between the 1st March and 1st October: 0700 to 2100 Monday to Sunday

Between the 2nd October and 29th February: 0700 to 1800 Monday to Sunday

Reason: To safeguard the amenities of nearby residents and to accord with policy DP26 of the Mid Sussex District Plan 2014 - 2031.

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements and Policy DP41 of the Mid Sussex District Plan (2014 - 2031) and the Lindfield and Lindfield Rural Neighbourhood Plan.

5. No development shall commence unless and until there has been submitted to an approved in writing by the Local Planning Authority sample and details of facing materials and finishes to be used for external walls, roof and doors of the proposed building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality and to accord with Policy DP26 of the District Plan 2014 - 2031

6. The proposed works shall be carried out in accordance with the Arboricultural Implications Assessment submitted on 12.12.2022.

Reason: To ensure the works are carried out to a satisfactory standard, to protect the existing trees on the site and to accord with policy DP37 of the Mid Sussex District Plan.

## 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.
2. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

### Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location and Block Plan	PL001		
Proposed Floor Plans	PL010		
Proposed Floor and Elevations Plan	PL011		
Topographical Survey	GH340		
Tree Survey	GH340		
Planning Statement			

## APPENDIX B - FULL CONSULTATION RESPONSES

### MSDC Conservation Officer

The application site is an area of grass located to the north of the Lindfield Bowling Club car park, on the western side of Backwoods Lane, and forming part of the open space of Lindfield Common. The entire Common, including the site, is within the Lindfield Conservation Area. The current proposal is for the construction of a public WC block. The block is relatively modest in size and is proposed to have brick elevations and a half-hipped slate roof.

Although there is not currently an adopted appraisal for the Lindfield Conservation Area, the Council's document Conservation Areas in Mid Sussex includes a brief assessment of the Area's key characteristics:

*"Lindfield Conservation Area was designated in 1969 in recognition of the special architectural quality and historic interest of the High Street and the area around the Common... Lindfield has a strong individual village identity with a pond, a common, a church dating from the 13th century and a High Street... Black Hill forms an important approach to the village, the hill and the bend in the road providing changing views of trees and buildings and a glimpse of the Common beyond."*

The Common represents a considerable percentage of the Conservation Area by area and is the most important open space within it. It makes a very strong positive contribution to the significance of the Conservation Area, enhancing the appreciation of the historic village centre as the heart of a rural Sussex settlement. Its key characteristics would include its open and verdant nature, and the presence of many mature and semi-mature trees.

As such, the construction of a new building on the open space of the Common is likely in many instances to be considered potentially contentious in principle, in terms of the impact on its open and verdant character. In this instance however the proposed WC block, as above, is modest in size and is positioned to the edge of the Common adjacent to an existing car parking area, such that in some views the building will be seen against the existing bulk of the Bowling Club clubhouse and adjacent houses to the south and south west. Although it will be visible in views from several directions looking across the Common, including from the direction of Black Hill, the size and location of the building will reduce the potential impact on the character of the Common. The design and materials (subject to

detail), given the proposed use of the building, are also relatively sympathetic to the context. I further note, subject to confirmation by the Tree Officer, that the proposal is not considered likely to have adverse effect on the adjacent mature lime tree, which in itself makes a positive contribution to the character of the area.

For these reasons, although I consider that the proposal will comply with Policy DP35 of the District Plan and the relevant paragraphs of the NPPF.

If approval is recommended, I would suggest conditions requiring details of roofing and facing (including to the roof vent) and of external doors, and a detailed hard and soft landscaping scheme to the surrounding area including details of materials and any alterations to boundary treatments.

### **MSDC Tree Officer**

I have reviewed the AIA in respect of this application and I note the encroachment into the RPA of the lime tree is expected to be minimal. I also note there is to be some further hardstanding within the RPA. For this reason it is important the details given within the AIA to mitigate the impact of any excavations within the RPA are strictly adhered to throughout.

I would not object on arboricultural grounds.

### **MSDC Anti-Social Behaviour Officer**

I spoke to Kate about this and it was agreed that as long as the toilets are opened in the morning and closed locked in the evening and that the disabled toilet has a radar key and that the times of opening and closing are set to be early morning and early evening I do not think it would be to much of a problem. For special events the Parish Council can open or close when they deem appropriate. We just need to make sure that the Parish Council have someone that can open and close. We had issues at the village toilets as this was being left open late and we had drug dealing going on. The Police took action and the toilets closed earlier which stopped the complaints.

### **WSCC Highways**

This application is for the construction of a Public Conveniences block on Common Land to the north of Lindfield Bowling Club car park. The site is located on Backwoods Lane, an unclassified road subject to a speed restriction of 30 mph.

WSCC in its role as Local Highway Authority (LHA) previously provided consultation advice for this site for similar application DM/19/0071, raising no highway safety concerns. The Local Planning Authority (LPA) permitted the application.

For the current application, the proposals appear similar to what was permitted under application DM/19/0071. The proposed block appears to have minor internal alterations, to incorporate the new Changing Places legislation. As per previous LHA comments at this site, the existing access/parking arrangements will be unaffected, and the proposed development is not anticipated to lead to a material intensification of use of the existing access. Therefore, the LHA raises no concerns to the proposed resubmission.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

## **MSDC Drainage Engineer**

### flood risk

The site is in flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The site is shown to be at very low surface water flood risk (comparable to flood zone 1).

Mid Sussex District Council's records do not contain records of the site flooding. Our records also contain no records of flooding within the area immediately surrounding the site.

Mid Sussex District Council's records are not complete, and flooding may have occurred which is not recorded. A site having never flooded in the past does not mean it won't flood in the future.

### Sewers on site

The Southern Water public sewer map does not show any public sewers located within the redline boundary of the site. A public foul sewer is located on the southern corner of the carpark.

There may be sewers located on the site not shown on the plan which are now considered public sewers. Any drain which serves more than one property, or crosses into the site from a separate site may be considered a public sewer. Advice in relation to this situation can be found on the relevant water authority's website.

### surface water drainage information

Surface water drainage will ultimately need to be designed to meet the latest national and local drainage policies. The drainage system will need to consider climate change, the allowances for which should be based on the latest climate change guidance from the Environment Agency.

### application specific comment

The BGS infiltration potential map shows the site to be in an area with high infiltration potential. Therefore, the use of infiltration drainage such as permeable paving or soakaways may be possible on site. To ensure the drainage hierarchy is followed this will need to be confirmed through infiltration testing on site as part of detailed drainage design.

It is proposed that the development will utilise a soakaway to manage surface water drainage. This is considered acceptable in principle and subject to design.

Information into our general requirements for detailed surface water drainage design is included within the 'General Drainage Requirement Guidance' section. This level of information will be required to address the recommended drainage condition.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required in relation to climate change etc prior to undertaking detailed design.

### foul water drainage

It is proposed that the development will connect to the existing public foul sewer. This is considered acceptable in principle, subject to design and relevant approval from Southern Water.

Information into our general requirements for detailed foul water drainage design is included within the 'General Drainage Requirement Guidance' section.



To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design.

#### CONDITION recommendation

##### C18D - Single unit

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be brought into use, until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan, Policy DP41 of the Pre-Submission District Plan (2014 - 2031) and Policy ...'z'... of the Neighbourhood Plan.

#### General drainage requirement guidance

Mid Sussex District Council's flood risk and drainage requirements are based on relevant national and local policies and guidance.

#### Surface Water Drainage

Finalised detailed surface water drainage design is required to be submitted and approved prior to construction starting on site. The design should be based on the Environment Agency's latest climate change allowances and follow the latest West Sussex Lead Local Flood Authority Policy for the Management of Surface Water.

The use of pumped surface water drainage is not considered to be sustainable and therefore would not be considered an appropriate means of managing surface water as part of a development.

The locating of attenuation, detention, or infiltration devices (including permeable surfacing) within flood extents is not acceptable, this includes areas of increased surface water flood risk.

Table 1 overleaf sets out a list of information the detailed surface water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

#### Foul Water Drainage

Finalised detailed foul water drainage design is required to be submitted and approved prior to construction starting on site. The use of public foul sewer connection should always be prioritised over non-mains drainage options.

The use of non-mains foul drainage should consider the latest Environment Agency's General Binding Rules.

The Environment Agency have advised that any existing septic tank foul drainage systems that are found to not comply with the latest Binding Rules will need to be replaced or upgraded.

Table 2 overleaf sets out a list of information the detailed foul water drainage design should include. Developers are encouraged to complete the table and provide as a cover page to future drainage design submissions.

Table 1: Detailed drainage design requirements – surface water

Requirement	Information	Location of information / drawing number
For all designs		
Greenfield runoff rate details for the area to be drained (using FEH or a similar approved method)		
On-site infiltration test results		
Plans / details of areas to be drained based on finalised development plans		
Calculations showing the system has been designed to cater for the 1 in 30 with climate change and 1 in 100 with climate change storm events		
Detailed drainage plans, including invert levels and pipe diameters, showing entire drainage system		
Maintenance and management plan <sup>1</sup>		
For soakaways		
Sizing calculations (to cater for 6-hour, 1 in 100-year plus climate change event)		
Half drain time (<24 hours)		
Construction details		
For discharge to watercourse		
Discharge rate (1 in 1 or QBar Greenfield rate for drained area) <sup>2</sup>		
Outfall location and construction details		
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event <sup>3</sup> )		
For discharge to sewer		
Discharge rates (restricted to 1 in 1 or QBar Greenfield rate for drained area unless otherwise agreed with sewerage provider)		
Discharge location and manhole number		
Outline approval from sewerage provider in relation to connection, discharge rate and connection location <sup>4</sup>		
Attenuation sizing calculations (to cater for 1 in 100-year plus climate change event <sup>5</sup> )		

Table 2: Detailed drainage design requirements – foul water

Requirement	Summary	Location of
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<sup>1</sup> The scale of this document should reflect the scale of the development and the complexity of the drainage system.

<sup>2</sup> If the 1 in 1 or QBar Greenfield runoff rate cannot be achieved, then evidence into why a higher discharge rate has been proposed should be provided as part of the detailed design. Due to improvements in drainage systems the 2l/s minimum will not be accepted without justification.

<sup>3</sup> If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

<sup>4</sup> Formal approval via S106 etc is not required.

<sup>5</sup> If system does not attenuate up to the 1 in 100-year with climate change event, then evidence that the system shall not increase flood risk on or off site shall be required.

		information / drawing number
For all designs		
Plans showing entire drainage system, including invert levels, pipe diameters, falls and outfall/connection location		
Foul flow calculations and confirmation proposed system is sized appropriately		
For connection to main foul sewer		
Discharge location and manhole number		
Evidence of communication with Water Authority regarding connection <sup>6</sup>		
For non-mains system with drainage field		
Evidence of permeability (infiltration) test results specific to treated effluent drainage fields		
Evidence that either: The system meets latest General Binding Rules, or An Environmental Permit application is to be submitted		
For non-mains system with discharge to open water		
Evidence that either: The system meets latest General Binding Rules, or An Environmental Permit application is to be submitted		
Outfall location and construction details		

<sup>6</sup> Formal approval via S106 etc is not required.

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MID SUSSEX DISTRICT COUNCIL

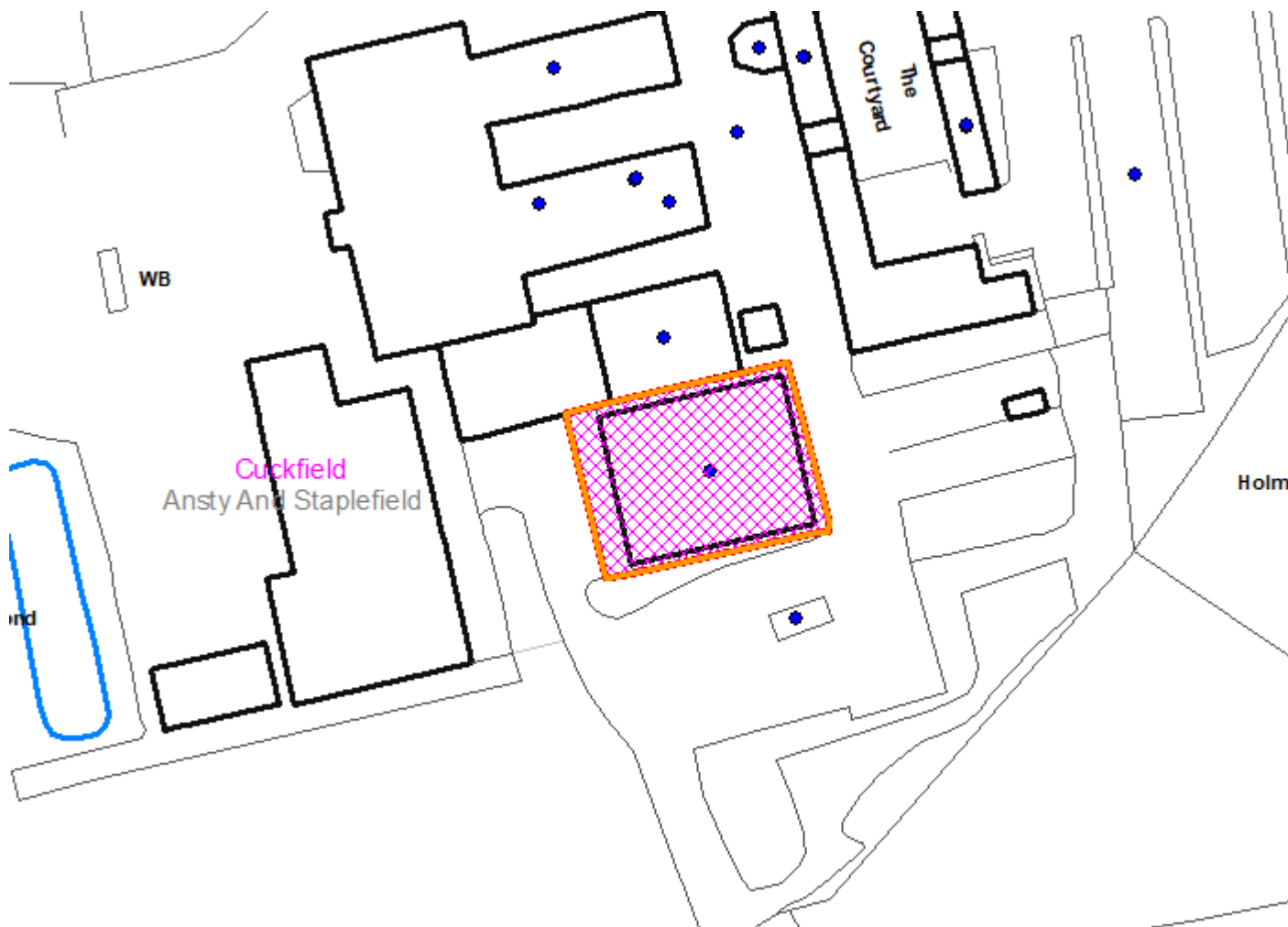
Planning Committee

**9 MAR 2023**

RECOMMENDED FOR PERMISSION

**Ansty And Staplefield**

**DM/22/2808**



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**THE GRAIN STORE HOLMSTED FARM STAPLEFIELD ROAD CUCKFIELD  
WEST SUSSEX RH17 5JF  
CHANGE OF USE OF BUILDING FROM B8- STORAGE AND  
DISTRIBUTION TO E(G)(II) - RESEARCH AND DEVELOPMENT OF  
PRODUCTS OR PROCESSES. (AMENDED ELEVATIONS, PLANNING**

**AND VENTILATION EXTRACTIONS STATEMENTS RECEIVED  
21.10.2022). TRANSPORT STATEMENT RECEIVED 25.11.2022.  
MR BEN SULIVAN**

POLICY: Areas of Outstanding Natural Beauty / Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Aerodrome Safeguarding (CAA) / Radon Gas Safeguarding Zone / Minerals Local Plan Safeguarding (WSSC) /

ODPM CODE: Change of Use

8 WEEK DATE: 10th March 2023

WARD MEMBERS: Cllr Robert Salisbury / Cllr Pete Bradbury /

CASE OFFICER: Rachel Richardson

**PURPOSE OF REPORT**

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

**EXECUTIVE SUMMARY**

Planning permission is sought for a change of use of the grain store from B8-storage and distribution to E(g)(ii) - research and development of products or processes.

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 (DP), Site Allocations Development Plan Document (DPD) and the Ansty and Staplefield Neighbourhood Plan (ASNP).

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.

Policy DP12 in the DP is the starting point and this policy allows for development in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character. Only minor external changes will be made to the building which will not change its physical appearance or building envelope.

Under Policy DP12, the proposal must also be supported by another adopted development plan policy.

DP policy DP1 gives priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).

Holmsted Farm comprises a number of buildings which have benefited from a change of use through farm diversification. The application building was granted permission for a change of use in 2022 for storage purposes. The proposed use is compliant with the above and is therefore acceptable in principle.

In terms of the High Weald Area of Outstanding Natural Beauty (AONB) and Countryside, the proposed use will satisfy the criteria of policy DP16 in the DP and policy AS3 of the Neighbourhood Plan. It will conserve the landscape character and not detract from the visual qualities and essential characteristics of the AONB in terms of location and design. There is no public right of way within the vicinity of the application building.

In terms of residential amenity, no significant harm would result to the living conditions for households within the locality which are sporadically located and the nearest house is 500m away.

There are no objections raised from the Environment Agency (EA), Mid Sussex District Councils Environmental Health Officer, or West Sussex County Council in relation to environmental protection and highways matters. It is proposed to use the existing access.

The NPPF stipulates that the focus of planning decisions and policies should be related to the use of the land rather than on processes or emissions. Planning decisions should assume that other consenting regimes will operate effectively and the planning issues should not be considered in addition to the permitting regimes operated by pollution control authorities. An Air Quality Assessment has been prepared as part of the Environmental Permit application (to be assessed by the Environment Agency, the pollution control authority) for the proposed development. Although, notwithstanding this, the air quality assessment has concluded that the air pollution is of negligible significance.

The proposed development will provide a renewable energy scheme that is at its research and development initial phase which will not materially harm the air quality status of the Ashdown Forest.

The proposed development is compliant with the criteria of relevant Mid Sussex District Plan policies, the Site Allocation Development Plan and the Ansty and Staplefield Neighbourhood Plan. It is also compliant with the provisions contained within the NPPF.

Overall, and given the above, it is considered that the proposed change of use is acceptable and as such it is recommended that planning permission be granted.

## **RECOMMENDATION**

That full permission be granted subject to conditions listed in appendix A.

## **SUMMARY OF REPRESENTATIONS**

Letters of objection have been received from 4 households. Their concerns have been summarised as follows:

### **AONB Countryside**

- Light pollution/dark skies
- This is an industrial process suited to an industrial location
- Visual impact - the stack for emissions may be up to 35m high.

### **Residential Amenity**

- Human health - odour and pollution
- Noise

### **Highways**

Road safety issues due to increased number of HGV movements

### **Policy conflict**

The applicant's submission offers conflicting information between the planning statement and application documentation. For example, the application states that heat and power can be used to benefit the local community. The Planning Statement states that heat will not be used, the power will be sold to the grid.

The Planning Statement makes strong misleading claims:

*'The Proposed Development will help reduce greenhouse gas emissions through its design, by enabling a process whereby heat and electricity will be produced and used by residential and commercial properties.'*

*'The planning application will support the local economy, providing a low carbon energy and heat source to support economic activity in the area'*

- How is the system able to provide a source of low carbon heat and will be carbon negative. There is no analysis of this. If it is carbon positive it will adversely impact the Net Zero aspirations that MSDC has for the District.
- Not sustainable development

## **SUMMARY OF CONSULTEES** (full comments in appendix)

### **West Sussex County Council Highway Authority**

19.12.2023

No unacceptable impact on highway safety.

### **West Sussex County Council Waste and Minerals**

No comment. The application does not meet the criteria for consulting WSCC.

### **West Sussex County Council Fire, Water and Access**

No objection subject to complying with the relevant guidance.



## **Environment Agency**

No objection.

## **MSDC Environmental Protection Officer**

No objection subject to a condition to control noise.

## **PARISH COUNCIL OBSERVATIONS**

The Parish Council objects to this application on the following grounds:

- Likely to generate more HGV movements
- The stack will emit a plume of pollutants of ammonia, amines and nitrosamines for 2km all of which are cancer causing. The EA should monitor these emissions.
- The machinery in operation will emit by-products
- The elevated terrain will increase concentrations of pollutants extending up to Staplefield village and across the golf course and down to Deakes Lane
- The businesses operating at Holmsted Farm will be more seriously impacted by pollutants.

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## **INTRODUCTION**

The application proposes a change of use of the grain store from B8- storage and distribution to class E(g)(ii) - research and development of products or processes.

## **RELEVANT PLANNING HISTORY**

02/00963/FUL - Rebuild demolished cow shed for ancillary office (B1 Use).  
Permission.

05/00503/FUL - Demolish steel frame barn and erect offices and bed sit  
accommodation. Permission.

08/01213/FUL - Creation of reedbeds and ponds to be used for fishing and duck  
shooting associated with improvements to the surface water and cattle slurry  
management arrangements at Holmsted Farm. Permission.

DM/15/3408 - Change of use of part of agricultural barn for B2 and B8 use. Namely  
agricultural machinery repairs, sales and distribution together with associated  
parking and display area. Permission.

DM/20/1529 - Change of use of agricultural building to a car body repair workshop  
(Use Class B2). Permission 21.08.2020

DM/20/2018 - Change of use of agricultural building to 4 x commercial units, 1 x  
fitness studio (Use Class D2), 1 x car polishing workshop (Use Class B1)  
(retrospective) and 2 x flexible commercial use (Use Class B1/B8/D2). Including

siting of associated external toilet block and provision of car parking with alterations to door, windows and external staircases. Pending consideration.

DM/22/0201 - 10 bell tents, 1 stretch tent and car parking. Permission 31.03.2022

DM/22/0443 - Change of use from Agricultural Grain Store to storage use (Class B8) (amended 27.04.2022). Permission 23.05.2022

## **SITE AND SURROUNDINGS**

Holmsted Farm is located off the western side of Staplefield Road and to the north of Sloughgreen Lane, within the countryside and the High Weald Area of Outstanding Natural Beauty (AONB).

The main farmyard of Holmsted Farm consists of a large complex of buildings which are of agricultural forms, materials and designs. However, there has been significant diversification over time with a number of commercial uses in operation within the buildings which include, a gym, car workshop, offices, storage, and light industrial (use classes E, B2 and B8) with a site office. The farm is accessed via an extended drive which continues through the farmyard to the fields beyond.

The application relates to an agricultural building referred to as a grain store. It is a large metal clad structure (with a gross internal floorspace area of 669 sq.m) located at the southern end of the complex of farm/commercial buildings (no.19 - 'The Corn Store' on the site layout notice board on entering the site).

It has a pitched roof and three openings on the western elevation which includes two roller shutter openings. To the front (west) of the building is an area of hardstanding that connects to an access road that runs in a circular route around and between the complex of farm buildings. The track leading to the south accesses the bell tent permission (DM/22/0201).

The levels slope uphill in a southerly direction from the north and also across the farm in an easterly direction from the west.

The access connects to the public highway on Staplefield Road to the east. To the north and east of the site are farm buildings, most of which have benefited from a change of use as part of a farm diversification programme, there are farm buildings to the west with fields beyond, and fields to the south.

The locality is characterised by loose knit sporadic development with large areas of woodland and open fields. The properties within the area consist of residential, and agricultural, equestrian and commercial properties.

## **APPLICATION DETAILS**

The external changes proposed to the grain store building includes a flue stack of around 0.3m high (east elevation), an air inlet (north) of around 0.3m high (and both below ridge height), water treatment vent (east), a cooler outlet and dryer outlet would be installed into the southern elevation. The flue stack and ventilation ducts will be made from stainless steel.

The facing walls will be finished with olive green cladding over concrete panels all covered with serpentine roof sheeting.

The existing building has a floor area of 669 sqm which will remain the same. There is no existing parking and none proposed. Car parking for staff and visitors will be accommodated within the existing shared car park, accessed from the existing southern entrance onto the B2114, Staplefield Road.

There will be a total of two full-time staff employed at the site.

The application proposes the introduction of a system called 'BIOCUSS' which captures carbon dioxide from the burning of waste wood and converts it into heat and power which can then be used in agriculture as animal feed or fertiliser and the carbon dioxide can then be used in the production of low- carbon concrete, aggregates or in the making of chemical compounds where it can potentially remain permanently trapped (carbonates).

The flue gas produced from the process is rich in carbon dioxide. This gas is passed into the carbon capture unit where the CO<sub>2</sub> is removed using an amine-based absorption-stripping process. The carbon capture unit generates two streams, exhaust gas (with the majority of CO<sub>2</sub> removed) and a CO<sub>2</sub> rich gas stream. The aim is for the carbon dioxide from the project to be transported and converted to a permanent end-product, for example CO<sub>2</sub>-cured concrete. If this is not possible for local supply-chain reasons, the CO<sub>2</sub> can be supplied to the carbonated drinks industry.

The process description in the planning statement includes a flow chart to illustrate how the waste wood feeds into the system is combusted and then gets converted into carbon dioxide having been through a hot air turbine. The hot air turbine produces the heat and electricity. Carbon dioxide is removed from the flue gas through chemical absorption.

The application is supported by an amended planning statement and amended ventilation and transport statements. Noise Impact and Air Quality Assessment Reports have also been submitted. This application has been made following pre application advice being sought.

The applicant is Ricardo PLC a global strategic engineering and environmental consultancy that specialises in the transport, energy and scarce resources sector. Ricardo has partnered with Bluebox Energy and Woodtek Energy to develop this biomass pyrolysis-based system with carbon capture, utilisation and storage which captures 95% of the carbon dioxide in the raw materials and at the same time supplies homes and local businesses with renewable heat and electricity.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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

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.'*

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.'*

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.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocations Development Plan Document and Ansty, Staplefield and Brook Street Neighbourhood Plan.

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**

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

Relevant policies:

- DP1 - Sustainable Economic Development
- DP12 - Protection and Enhancement of Countryside
- DP16 - High Weald Area of Outstanding Natural Beauty
- DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP21 - Transport
- DP26 - Character and Design
- DP29 - Noise, Air and Light Pollution
- DP39 - Sustainable Design and Construction

DP40 - Renewable Energy Schemes

### **Site Allocations Development Plan Document**

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

SA38 - Air Quality.

### **Neighbourhood Plan**

ANSTY, STAPLEFIELD AND BROOK STREET NEIGHBOURHOOD PLAN (made February 2017)

Relevant policies:

AS3 - High Weald Area of Outstanding Natural Beauty

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

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.

#### *Mid Sussex Design Guide Supplementary Planning Document (SPD)*

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)

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.

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.'*

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.'*

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*

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.

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.

## **ASSESSMENT**

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

- Principle
- Impact on AONB and countryside
- Design
- Impact on residential amenity
- Highways
- Ashdown Forest
- Pollution
- Renewable Energy

- Planning Balance and Conclusion

## Principle

The application site is located outside of a defined built up area boundary and is therefore within the countryside. Policy DP12 in the DP is therefore the starting point because it relates to development within the countryside and states in part:

*'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 agriculture, or*
- *It is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

The proposal therefore needs to be able to comply with the two limbs of this policy both in terms of maintaining the quality of the rural landscape character and either being necessary for agriculture or being supported by a specific policy elsewhere in the plan.

Mid Sussex District Plan (MSDP) Policy DP1, Sustainable Economic Development is this specific policy which states that its strategic objectives are:

*'To promote a place which is attractive to a full range of businesses, and where local enterprise thrives, and 8) To provide opportunities for people to live and work within their communities, reducing the need for commuting.*

*The policy seeks to encourage inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries,*

*Effective use of employment land and premises will be made by*

- *Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan, and*
- *Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).'*

NPPF paragraph 81 (under section 6 Building a strong, competitive economy) states,

*'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local*

*business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation<sup>42</sup>, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'*

(Footnote 42 states 'The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data, clean growth, future mobility, and catering for an ageing society. HM Government (2017) Industrial Strategy: Building a Britain fit for the future.')

Paragraph 84 relates to a prosperous rural economy and states,

*'Planning policies and decisions should enable:*

*a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings,*

*b) the development and diversification of agricultural and other land-based rural businesses,*

*c) sustainable rural tourism and leisure developments which respect the character of the countryside, and*

*d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

The planning history from other applications advises that Holmsted Farm was primarily a dairy farm until circa. 2010 when the viability of the farm was affected by milk prices. Following this, the farm has focused on arable production and has diversified some of the redundant farm buildings into business use. It is intended to consolidate the arable farm enterprise to the west of the farm complex in order to ensure it becomes more efficient and so buildings can be used effectively. This has also provided the opportunity to diversify some of the farmland and buildings to support the continued viability of the farm.

The grain store the subject of the proposed change of use is a large building within the farm complex and as said above many of the surrounding farm buildings have already benefited from obtaining permission for alternative uses.

The use in this building is considered to be a low key suitable use given the location and surrounding uses. As such, and given that it would already be surrounded by other existing commercial uses which cumulatively are of a larger scale, the scale of this use is considered to be acceptable and relatively small.

The proposed development uses waste wood, sourced as locally as possible to the site in Cuckfield thereby supporting sustainable growth.

At this stage of the use, which is low key and for research and development, the proposed change of use will generate jobs for two employees. This, albeit small level



of employment, will support the local economy and the farming enterprise on site. It also has potential to create more jobs in the future.

Paragraph 2.1 detailing site information in the amended planning statement describes the site as being sustainably located with it being easily accessible by car from Cuckfield (6 minute drive), Haywards Heath (15 minute drive), Horsham (20 minute drive, Burgess Hill (about a 15 minute drive and Crawley (also about a 15 minute drive). It is acknowledged that construction of the plant would temporarily result in a small increase in road traffic, but the development would be located in an area that would not have a direct impact on any village or town centre. Employees and visitors to the site would be likely to drive there and therefore the site is not as sustainably located in relation to transportation as those within built up areas with good access to public transport. Nonetheless, the NPPF recognises in paragraph 105 that *... opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.*

The principle of the proposed use is therefore acceptable in this location and is in accordance with the criteria of the above mentioned adopted development plan policies and the National Planning Policy Framework.

### **Impact on AONB and countryside**

The application site is located within the High Weald AONB. The legal framework for 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'*.

DP Policy DP16 states that:

*'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular,*

- *the identified landscape features or components of natural beauty and to their setting,*
- *the traditional interaction of people with nature, and appropriate land management,*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB, and*
- *the conservation of wildlife and cultural heritage.*

*Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.*

*Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'*

NP Policy AS3 states that development proposals in the HWAONB must demonstrate how they:

- *'conserve and enhance the natural beauty of the AONB area, and*
- *demonstrate how they meet the objectives of the High Weald AONB Management Plan, and*
- *for major development, proposals must include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy,*
- b) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way, and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

Para 174 of the NPPF, Conserving and Enhancing the Natural Environment. Para 174 (b) states that,

*'Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*

Paragraph 176 states,

*'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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*

As the planning statement confirms, the application building, known as the grain store, received planning permission in April 2022 for a change of use for B8 storage purposes. There were no physical changes approved to this building at that time. The building is located on a farm and amongst a group of other buildings, the majority of which have benefited from a change of use hosting a range of small and medium enterprises (SME's) and business activity. The proposed change of use would sit well within this context and also result in minimal physical changes to the external appearance of the building whilst supporting the economy and social well-being of the AONB.

Visually, due to the low intensity (research and development) of the use proposed and the minor level of external changes required, it is considered that there would not be an adverse impact on the character of the countryside and the proposed change of use would conserve the High Weald AONB. It should also be noted that there are no public rights of way that intersect the site and the implementation of this project will have little to no visual impact on the immediate vicinity or the characteristics and visual qualities of the AONB.

It is considered that the proposal would accord with the aims of policy DP16 in the DP and policy AS3 in the NP through allowing the re-use of the barn to accommodate farm diversification and through providing jobs.

## **Design**

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 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.'*

In terms of design, the proposed development proposes minor external changes and is therefore not considered to have an adverse impact with regards to this matter. The amended proposed elevation illustrates a small flue stack below the ridge height to be added to the east elevation, an air inlet installed on the north elevation and dryer and cooler outlets to the southern side of the building. A water treatment vent would also be added to the east elevation. These are considered minor alterations and would not alter the building envelope through enlargement and would not change its appearance.

The application building would be amongst a group of existing buildings within the farm complex the majority of which have already undergone a change of use.

Policy DP39 in the DP states,

*'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:*

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation,*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible,*
- *Use renewable sources of energy,*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation,*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment,*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

The planning statement submitted with the application confirms that the development would provide energy to the grid, as well as generating heat for use as part of a low carbon community heat network. When fully operational the system would be carbon negative.

In operation the development would use waste wood as feedstock for energy and heat generation reusing materials that are by-products from other industries. The process used in the development produces energy, heat, and biochar. Biochar can be used in industry and agriculture, thereby maximising the re-use of materials and keeping waste products during the operation of this process to an absolute minimum. This seeks to maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation.

As such, the proposed use is compliant with DP39.

### **Impact on residential amenity**

As stated above DP26 states that development should be required to demonstrate that it does not result in cause significant harm to the amenities of existing nearby residents.

DP29: Noise, Air and Light Pollution states:

*'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:*

*Noise pollution:*

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area,*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures,*

*Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.*

*In appropriate circumstances, the applicant will be required to provide:*

- *an assessment of the impact of noise generated by a proposed development, or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development,*

*Light pollution:*

- *The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings,*
- *The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes,*

*Air Pollution:*

- *It does not cause unacceptable levels of air pollution,*
- *Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels,*
- *Development proposals (where appropriate) are consistent with Air Quality Management Plans.*

*The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'*

Policy SA38: Air quality, of the SADPD is fully quoted below under a separate section of its own.

Paragraph 185 of the NPPF states that, *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life 65,*
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason, and*
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'*

Footnote 65 - See Explanatory Note to the Noise Policy Statement for England (Department for Environment, Food and Rural Affairs, 2010).

With regards to residential amenity, representations have been received expressing objection in relation to health and more specifically, the generation of noise, odour and pollution. Also, to road safety in respect of HGV movements generated. The issue on highways related matters will be dealt with separately below.

The nearest residential property is located some 500m away. Properties are sporadic in terms of their location and relationship with the application building. The nearest population on mass is the town of Cuckfield, some 2km away (about 1.2 miles).

This application relates to the Research and Development phase of this project, which the applicant plans to complete by August 2024. The applicant has confirmed that, *'Up to this point there is no likelihood of this development expanding in size beyond the application as submitted. During this RandD phase, the plant will not be operational 24/7, 365 days a year, but will follow a development test plan over several months to calibrate the system and assess its performance. At the end of this phase, if the technology is found to be viable, we would then need to submit a new application for this site, changing its use class, probably to B2 (general industrial). In such an event, there would be further consultation and any concerns local residents have would be considered at that point.'*

### Noise

A Noise assessment has been carried out, including a Baseline Noise Survey, and an Assessment of mitigation measures. In operation this site is expected to produce 80dB within the building.

The Council's Environmental Protection Team has not objected to the proposed change of use in terms of noise impact. Your Planning Officer has no reason to disagree with the assessment of the Environmental Protection Officer in relation to the noise impact of the development on residential amenity.

### Light

With regards to light pollution, the proposed development does not include any amendments to the permitted use of external lighting as granted by the earlier planning permission under DM/22/0443 (for storage). This is therefore compliant with policy DP29 in the DP.

The applicant has confirmed that there will be no odour or light pollution emitted from the Proposed Development.

### Air Pollution

Policy SA38 in the Site Allocations DPD: Air Quality replaces District Plan Policy DP29 in relation to air quality. It states:

*'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.*

*Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.*

*Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality. Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.*

*Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.*

*In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant*

*effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.'*

Paragraph 188 of the NPPF states that,  
*'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'*

As said above the separate regime in this case is the Environment Agency. The applicant has also applied for an Environmental Permit, and as such the Environment Agency are aware of the proposals regarding this site. The Environment Agency have been consulted on this application and have no objection.

The operation at this site will use a hydro-cyclone based wet scrubber to reduce smoke emission to very small values. A continuous Emissions Monitoring System will also be installed to provide immediate feedback on the emissions in the flue stack. As part of the operating procedures, a daily 'sniff test' will be carried out at the beginning of operation of the plant in line with the Environment Agency's Best Available Techniques.

An Air Quality Assessment has been prepared as part of the Environmental Permit application for the Proposed Development. It has also been submitted as supporting information in this planning application.

The EA has confirmed that an Environmental Permit (EP) is an advisory and may not be essential. It may not be essential because there are exceptions for research and development facilities, such as the proposed use.

The main concern the EP would assess is, the combustion of fuel (even though the CO<sub>2</sub> emissions are effectively stored, there could be other by-products which could pose a threat to air quality), and potentially the storage of waste.

Para 1.2 (emissions to Air) in The Air Quality Report confirms the relevant pollutants to be considered within the air quality impact assessment are:

- Carbon monoxide (CO)
- Particulate matter (dust)
- Nitrogen oxides (NO<sub>x</sub>)
- Total volatile organic compounds (TVOC)
- Hydrogen Cyanide
- Formaldehyde

Pollutants specific to the carbon capture activity of the facility are:

- Ammonia



- Amines
- Nitramines
- Nitrosamines
- Acetaldehyde

The report confirms that the air quality impacts of the above mentioned pollutants have been considered in the air quality assessment report.

The applicant has confirmed that the process will produce very minor deposits of nitrogen and ammonia emissions into the atmosphere. Worst case scenarios, are 0.001g/s of ammonia and 0.209g/s of NOx and the applicant does not anticipate that these will ever be reached. These are detailed in the Air Quality Assessment.

The air quality assessment has concluded that even with worse case assumptions adopted, the effects of the proposed facility are likely to be of negligible significance.

However, as said above it is for only one regime to regulate the air quality impacts which is the Environment Agency and not the Planning Authority. Planning policies and decisions should only be made on the use of the land, rather than the control of emissions or pollutants.

For clarity, while Part B activities (under Schedule 1, Part 2, Section 5.1 Part B (a) (v) The Environmental Permitting (England and Wales) Regulations 2016 ) are normally regulated by Mid Sussex District Council, the proposal has a 1.3mw thermal input, and as new plant, it will come under the Medium Combustion Plant Directive (MCPD), and the regulator for this is the Environment Agency.

On this basis, it is considered that the application proposal is compliant with DP29, SA38 and the provisions contained within the NPPF.

Therefore, on the issue of residential amenity, the proposed use would not cause significant harm and there are no grounds on this issue to resist the proposed development. The proposal is compliant with policies DP26 and DP29 in the District Plan and policy SA38 in the Site Allocations DPD in this respect and weighs in favour of supporting the use proposed.

## Highways

Policy DP21 the Mid Sussex District Plan states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026,

which are:

- A high quality transport network that promotes a competitive and prosperous economy,
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time,
- Access to services, employment and housing, and

- A transport network that feels, and is, safer and healthier to use.

To meet these objectives, decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy),
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up,
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages,
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable,
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded,
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements,
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation,
- The scheme protects the safety of road users and pedestrians, and
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.'

Paragraph 111 states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The Local Highway Authority (LHA) has considered the proposal in the light of small scale development. An existing access is to be utilised which is an established point of access of an adopted public maintained highway which has a national speed limit (60 miles per hour).

The applicant has provided TRICS data which confirms that the proposed use would generate up to 32 trips daily which is below the WSCC 50 trip quota stipulated in additional highway documents. The LHA has also confirmed that because of this the applicant was not obliged to submit a Transport Statement.

The applicant has confirmed that they don't anticipate there ever being a daily flow of 32 vehicles. On most days, the traffic flow will likely be 2 vehicles (4 movements) (one vehicle per stationed employee). They will probably be coming from the Shoreham area as they currently work at the Shoreham Technical Centre. There will be infrequent HGV deliveries of wood and to pick up waste material. The wood will likely be delivered to site from Balcombe Sawmill (approximately 6 miles away) and it is anticipated the waste disposal being somewhere in West Sussex (but this is currently unknown).

Parking is not proposed and is as per the existing arrangement. The applicant has confirmed that there is shared parking provision serving all of the units at Holmsted Farm, The LHA considers that parking can be accommodated within the site parameters and it is for the Local Planning Authority (LPA) to consider whether this presents an amenity concern. The LPA does not consider there to be an issue and material harm resulting from utilising an existing parking area for this location which currently benefits from various different uses. The buildings and hardsurfaced areas are all concentrated together and there would be no spread of the built form into the countryside.

The LPA does not consider the provision of cycle parking to be practical or necessary given the limited number of employees proposed and the location, which is on a road with a national speed limit. The employees are also being relocated from the Shoreham premises some 20 miles away.

The LHA considers that the proposal would not have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network. The LHA has confirmed that the proposal is compliant with the NPPF and in their view there are no grounds to refuse permission. Your Planning Officer has no reason to disagree with this assessment.

Overall, it is considered that from a highways point of view the change of use is policy compliant and this weighs in support of the proposal.

### **Ashdown Forest**

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

### **Recreational disturbance**

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

### **Atmospheric pollution**

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

### **Conclusion of the Habitats Regulations Assessment**

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

### **Renewable Energy**

DP40 - Renewable Energy Schemes states in part that:

*'Proposals for new renewable and low carbon energy projects (other than wind energy development - see below), including community-led schemes, will be permitted provided that any adverse local impacts can be made acceptable, with particular regard to:*

- Landscape and visual impacts, including cumulative impacts, such as on the setting of the South Downs National Park and High Weald Area of Outstanding Natural Beauty, and the appearance of existing buildings,*
- Ecology and biodiversity, including protected species, and designated and non-designated wildlife sites,*
- Residential amenity including visual intrusion, air, dust, noise, odour, traffic generation, recreation and access.'*

The applicant has responded to the criteria set out in the above policy as follows:

*'The Proposed Development is a small-scale demonstrative renewable energy scheme, that if successful would become a proof of concept that the design could be rolled out nationwide. It will produce heat and electricity however, and these products would support energy security, respond to fuel poverty, and reduce carbon emissions within Mid Sussex District.*

*The development is not expected to have an impact on the High Weald AONB, the proposals require no new construction, and alterations to the existing premises will be minor. The development is not of a scale whereby the setting of the South Downs National Park will be impacted in any way. The only building that will have a slightly changed appearance is the existing building that would be used for the Proposed Development. The alterations to the appearance are explained in Section 1.1, would be very minor and would not alter the maximum height or extent of the building.*

*The proposed development is not located near any biodiversity or ecological designated areas. As no additional construction is required, no impacts are expected to be created.'*

*'The site is situated on a business park of SMEs and businesses, further than 500m from any residential property. The development is not expected to have any impact on residential amenity in the area. An air quality assessment has been submitted alongside this planning application, as has a ventilation and extraction statement. During operation, there will be no additional odour or traffic generation. Recreation will not be impacted. The site is on private land and will not impact upon public access. The closest public right of way is over 300m from the Proposed Development.'*

A local resident has questioned the sincerity of the planning statement where it states that, *'The Proposed Development will help reduce greenhouse gas emissions through its design, by enabling a process whereby heat and electricity will be produced and used by residential and commercial properties.*

*The planning application will support the local economy, providing a low carbon energy and heat source to support economic activity in the area'*

A local resident has asked,

- *'How is the system able to provide a source of low carbon heat and will be carbon negative. There is no analysis of this. If it is carbon positive it will adversely impact the Net Zero aspirations that MSDC has for the District.*
- *Not sustainable development'*
- The agent has responded to this as follows:

*'To understand how the technology is carbon negative, first it is important to establish the baseline scenario. The plant uses clean waste wood, from forestry operations, that would otherwise be used as mulch. If used as mulch, the carbon content in the wood is released to the atmosphere in 5-7 years as it biodegrades. The technology takes this waste wood and converts it to biochar, which is almost pure carbon and is very stable - the carbon in the biochar will remain for several hundred years.*

*Hence, when considering the carbon emissions from the baseline scenario compared to our intended use, the technology is carbon negative. It effectively takes carbon from waste wood and locks it away.*

*It is important to note that the funding for this scheme has come from the UK Govt. Department for Business, Energy and Industrial Strategy (BEIS), who are only funding it because of its carbon negative potential. The methodology has been submitted to BEIS who also agree it is carbon negative. A public version of this methodology will be issued in the spring. The biochar production process releases a hydrogen syngas which is captured, and can then be burned to produce low-carbon heat.'*

In November 2022 MSDC adopted a net zero target policy with a view to becoming net zero by 2050 in line with national legislation and policy.

The applicants, Ricardo, are an industry leading environmental consultant with strong green credentials that are helping Local Authorities and other organisations on their transition to a net zero future.

The applicant's are therefore working with the same goal and objective as MSDC and in accordance with their net zero aspirations.

Given the above, the proposal is considered to be compliant with DP40 and the provisions contained within the NPPF.

## **Other**

In respect of fire, access and water, the provision of water by means of a fire hydrant is not a planning matter and will be dealt with under building regulations. This is not a new development proposal it is a change of use in a location where other existing businesses operate and there is an existing acceptable access.

## **Planning Balance and Conclusion**

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 DP, Site Allocations DPD and the ASNP.

Policy DP12 in the DP is the starting point and this policy allows for development in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character. Only minor external changes will be made to the building which will not change its physical appearance or building envelope.

Under Policy DP12, the proposal must also be supported by another adopted development plan policy.

DP policy DP1 gives priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).

Holmsted Farm comprises a number of buildings which have benefited from a change of use through farm diversification. The application building was granted permission for a change of use in 2022 for storage purposes. The proposed use is compliant with the above and is therefore acceptable in principle.

In terms of the High Weald AONB and Countryside, the proposed use will satisfy the criteria of policy DP16 in the DP and policy AS3 in the Neighbourhood Plan. It will conserve the landscape character and not detract from the visual qualities and essential characteristics of the AONB in terms of location and design. There is no public right of way within the vicinity of the application building.

In terms of residential amenity, no significant harm would result to the living conditions for households within the locality which are sporadically located and the nearest house is 500m away.

There are no objections raised from the Environment Agency (EA), Mid Sussex District Councils Environmental Health Officer or West Sussex County Council in relation to environmental protection and highways matters. It is proposed to use the existing access.

The NPPF stipulates that the focus of planning decisions and policies should be related to the use of the land rather than on processes or emissions. Planning decisions should assume that these regimes will operate effectively and the planning issues should not be considered in addition to the permitting regimes operated by pollution control authorities. An Air Quality Assessment has been prepared as part of the Environmental Permit application (to be assessed by the Environment Agency, the pollution control authority) for the proposed development. Although, notwithstanding this, the air quality assessment has concluded that the air pollution is of negligible significance.

The proposed development will provide a renewable energy scheme that is at its research and development initial phase which will not materially harm the air quality status of the Ashdown Forest.

The proposed development is compliant with the criteria of relevant Mid Sussex District Plan policies, the Site Allocation Development Plan and the Ansty and Staplefield Neighbourhood Plan. It is also compliant with the provisions contained within the National Planning Policy Framework.

Overall, and given the above, it is considered that the proposed change of use is acceptable and as such it is recommended that planning permission 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.

Approved plans

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 Applications'.

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

3. Unless otherwise agreed with the local planning authority, the use hereby permitted shall not come into use until post completion noise testing has been submitted to the LPA demonstrating that the noise rating level (L<sub>A</sub>r, Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (L<sub>A</sub>90, T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting.

Reason: To enable the Local Planning Authority to control the development in the interests of the character and amenities of the locality and to accord with Policy DP26 and DP29 of the Mid Sussex District Plan 2014 - 2031.

4. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, or as amended in the future, the use hereby approved shall remain as E(g)(ii) - research and development of products or processes and for no other use within class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (July 2020) .

Reason: The site lies in a Countryside Area of Development Restraint where the minimum development necessary should be permitted and to accord with Policy DP26, DP29, DP12 and DP16 of the Mid Sussex District Plan 2014 - 2031 and Policy AS3 of the Neighbourhood Plan.



## INFORMATIVES

1. I would advise you, however that consent may also be required under the Building Regulations. Such consent must be obtained before commencement of work. I would, therefore suggest that you should contact the Building Control Section of my Department in order to obtain further advice.
2. The applicant is reminded that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit from the Environment Agency.

### Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Submitted Date</b>
Proposed Elevations			21.10.2022
Planning Statement	D16194	2	21.10.2022
Ventilation/Extraction Details			21.10.2022
Air Quality Assessment	ED16194	1	09.09.2022
Location Plan	ED16194002	1	09.09.2022
Location Plan	ED16194001	1	09.09.2022
Noise Impact Assessment/Sound	-	-	09.09.2022
Existing Elevations			15.09.2022
Existing Floor Plans			15.09.2022
Proposed Floor Plans			15.09.2022

## APPENDIX B – CONSULTATIONS

### Parish Council

14.12.2022

The Parish Council object because the transport study shows 32 lorry movements per day, which is c11000 per year on a road with a weight limit of 7.5 tonnes. The lorry movements are excessive for this road.

### MSDC Environmental Protection Officer

(21.02.2023)

Having reviewed original comments made by myself on behalf of the Environmental Protection team, I would now recommend that condition 2, regarding air quality is not attached.

Having looked through 'Air quality and emissions mitigation guidance for Sussex (2020)', the purpose of the condition is to deal with pollutants from transport, and the proposed

development does not fit into the screening checklist for the condition to be applied. Emissions from the activities on the site should be dealt with via the necessary permit.

29.11.2022

The amended elevations, planning and ventilation extractions statements and Transport Statement do not impact on the comments that I have already made.

28.10.2022

The updated information does not alter my comments made on the 14th October 2022.

14.10.2022

I have read the noise report by Anglia Consultants, ref: A1275, dated 08/09/2022.

The report shows that the proposed plant is likely to be significantly below background at the nearest resident, and it therefore considered to be low impact. However, it is likely to be audible outside other business units, and with windows open it may be audible inside, but would be very unlikely to be intrusive, and would be well below the recommended guidance for noise levels in offices.

There is a judgment to make on whether that noise level to nearby business requires further mitigation. Given the character of the area, which appears to be a mix of offices, light industrial and storage, it is not perceived that this level of noise would impact the operation of nearby businesses.

I do note that the noise report does state that the expected noise levels could vary as there may be variations to the plant and machinery. It does recommend that 'noise levels should be monitored during the commissioning stage of the process, and mitigation measures recommended if the predicted noise levels are significantly exceeded'. As such, I would recommend that post construction noise testing be required via condition, which ensures that noise levels are acceptable prior to the business operating.

The applicant correctly identifies that this facility will need to be regulated as a Part B installation under Schedule 1, Part 2, Section 5.1 Part B (a) (v) with a permit that regulates emissions to air. However, Part B installations with emissions to air only are regulated by the council rather than the Environment Agency, and therefore any application and supporting information should be submitted to Mid Sussex District Council, and not the Environment Agency

Recommendation: approve with the following conditions

1) Unless otherwise agreed with the local planning authority, the use hereby permitted shall not come into use until post completion noise testing has been submitted to the LPA demonstrating that the noise rating level (LAr,Tr) of plant and machinery within the build shall be at least 5dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The assessment shall be carried out with the plant/machinery operating at its maximum setting.

2) Prior to the commencement of use of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in

accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the application. All works which form part of the approved scheme shall be completed before any part of the development is occupied or used and shall thereafter be maintained in accordance with the approved details.

Informative - In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

## **Environment Agency**

06.12.2022

Dear Planning Team,

CHANGE OF USE OF BUILDING FROM B8 - STORAGE AND DISTRIBUTION TO E(G)(II) - RESEARCH AND DEVELOPMENT OF PRODUCTS OR PROCESSES.  
(AMENDED ELEVATIONS, PLANNING AND VENTILATION EXTRACTIONS STATEMENTS RECEIVED 21.10.2022)

THE GRAIN STORE HOLMSTED FARM STAPLEFIELD ROAD CUCKFIELD

Thank you for consulting the Environment Agency on the above application.

We have reviewed the information as submitted and set out our position below.

Environment Agency position

We have no objection to the proposal as submitted.

Environmental Permit

Please note that this development may require an environmental permit, a variation of an existing permit or an exception from an environmental permit from us.

Further information can be found on the gov.uk website -  
<https://www.gov.uk/topic/environmental-management/environmental-permits>

The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk) to obtain advice about environmental permitting matters.

Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit.

Please do not hesitate to contact me using the contact details shown below should you have any queries regarding the above information.

Yours faithfully,

Miss Phoebe Nelson  
Sustainable Places Advisor

Direct dial: 02077141637

Direct e-mail: phoebe.nelson@environment-agency.gov.uk

West Sussex County Council Highways

**19.12.2022**

**RECOMMENDATION: Advice**

S106 CONTRIBUTION TOTAL: n/a

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

I refer to your consultation in respect of the above planning application and would provide the following comments.

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals.

WSSCC acting as the Local Highway's Authority (LHA) refer to your consultation in respect of the above planning application and would provide the following comments.

**Site Context and History**

The access onto the application site is located on Staplefield Road , an adopted public maintained highway.

The LHA would view said road to be set within a rural setting.

The said highway is subject to a National Speed Limit. No current speed survey data is located within a reasonable distance of the access that would state otherwise.

**Access**

The site benefits from an established existing access point.

The applicant has provided TRICs data (a recognised industry standard). This concludes that the site would generate up to 32 trips daily. This is below WSSCC 50 trip quota for additional highways documents. As a result, the submitted Travel Plan statement is not required.

**Parking**

Parking requirements for the site are between 3-4 spaces. Though not indicated, the LHA believes this can be accommodated within the site parameters and should be considered an amenity concern to be considered by the LPA.

The applicant has proposed a NIL cycle parking provision, the LHA advises the Local Planning Authority (LPA) that if they deem cycle parking justifiable then the applicant should show this in the form of lockable covered storage.

## Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

## **10.09.2022**

### Site Context and History

The access onto the application site is located on a Private Farm Track with an established access onto Staplefield Road, an adopted public maintained highway. The LHA would consider the context of the road to be within a rural setting.

Staplefield Road is subject to a National Speed Limit. No current speed survey data is located within a reasonable distance of the access that would state otherwise.

In terms of design parameters, the LHA consider the parameters of Design Manual for Roads and Bridges (DMRB) as guidance.

### More Information Request

The Local Highways Authority (LHA) has viewed the submitted plans and documents. However, at this stage we would request that some additional information is submitted to allow further assessment from the highway's perspective. The LHA has provided comments below outlining the points raised.

### Primary Areas of Additional Information:

The LHA requests the applicant provides both a Transport Statement (TS) and Staff Travel Plan with the below points to be included in the TS document.

#### 1. Trip Generation

The LHA requests the applicant provides anticipated trip generation for the existing and proposed uses using the industry recognised TRICs database.

#### 2. Parking

The LHA requests the applicant provides the parking provision for the site for both existing and proposed uses. The applicant is advised that WSCC do not have standards for said use. As a viable alternative the LHA accepts the use of TRICs to determine the parking capacity of the site.

## Conclusion

Please raise the above with the applicant and re-consult. Until such time, the LHA are not in a position to provide final comments until we receive the requested information as stated above.

### **West Sussex County Council Waste and Minerals Safeguarding**

Thank you for consulting West Sussex County Council, Waste and Minerals on the above application.

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a no comment to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link:

<http://www2.westsussex.gov.uk/ssr/mwsfgdngprsnrn.ppsx>. To hear the audio, view the slides as a 'slide show'.

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).

28.11.2022

Thank you for consulting West Sussex County Council, Waste and Minerals on the above application.

The application site in question does not meet the criteria for consulting West Sussex County Council as set out in the Minerals and Waste Safeguarding Guidance therefore, the minerals and waste authority would offer a no comment to the proposed development. A summary of these thresholds is attached to this email and a short video (approx. 20 mins) explaining minerals and waste safeguarding and when the County Council should be consulted is available by clicking this link:

<http://www2.westsussex.gov.uk/ssr/mwsfgdngprsnrn.ppsx>. To hear the audio, view the slides as a 'slide show'.

The decision maker should be satisfied that the proposals minimise waste generation, maximise opportunities for re-using and recycling waste, and where necessary include waste management facilities of an appropriate type and scale (Policy W23 of the West Sussex Waste Local Plan, 2014).

### **West Sussex County Council Fire, Access and Water**

Dear Rachel,

Having viewed the plans for the planning application no. DM/22/2808 for the Change of use of building from B8- storage and distribution to E(g)(ii) - research and development of products or processes. (Amended elevations, planning and ventilation extractions statements received 21.10.2022), the nearest fire hydrant for the of water for fire-fighting is 355 metres away, 265 metres further than the 90 metres distance required for a commercial premises. If an alternative supply of water for firefighting is to be considered it will need to conform with the details identified in Approved Document – B (AD-B) Volume 2 2019 edition: B5 section 16.

Regards

Ian



Ian Stocks  
Water & Access Manager - Protection  
**West Sussex Fire & Rescue Service**  
Mobile 07921 291051 Office 03302223117  
Web [www.westsussex.gov.uk/fire](http://www.westsussex.gov.uk/fire)  
Email [frs.waterandaccess@westsussex.gov.uk](mailto:frs.waterandaccess@westsussex.gov.uk)  
Bognor Regis Fire Station, West Meads Drive, West Sussex, PO21 5TB

**My pronouns are he/him/his** 

[Click here to find out why we use pronouns in our signatures](#)

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MID SUSSEX DISTRICT COUNCIL

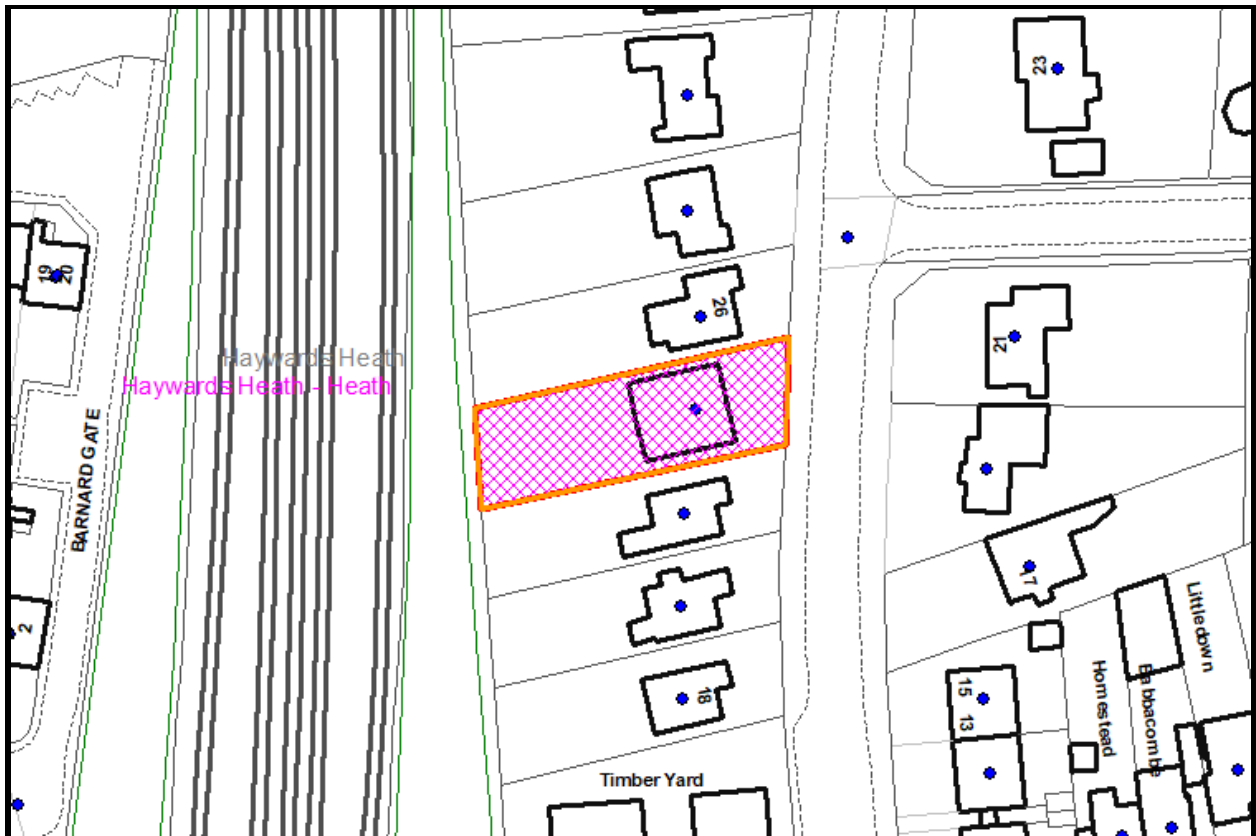
Planning Committee

9 MAR 2023

RECOMMENDED FOR PERMISSION

## Haywards Heath

DM/23/0113



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**24 WICKHAM WAY HAYWARDS HEATH WEST SUSSEX RH16 1UQ  
VARIATION OF CONDITION 2 RELATING TO APPLICATION DM/22/0735 -  
REDUCING SIZE OF PROPOSED FIRST FLOOR REAR EXTENSION.  
MR ADAM BUXTON**

POLICY: Built Up Areas / Bluebell Railway / Aerodrome Safeguarding (CAA) /

ODPM CODE: Householder

8 WEEK DATE: 14th March 2023

WARD MEMBERS: Cllr Sandy Ellis / Cllr Clive Laband /

CASE OFFICER: Rachel Richardson

### **PURPOSE OF REPORT**

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

### **EXECUTIVE SUMMARY**

Planning Permission is sought to reduce the size of the first floor rear extension granted permission under DM/22/0735 by way of varying condition 2 of that permission for the approved drawings. Like before, the application has been referred to Committee because the applicant is related to a member of staff involved in the planning process.

Policy DP26 of the District Plan requires that development is well designed and does not cause significant harm to the amenities of neighbours. Policies E9 and H9 of the Haywards Heath Neighbourhood Plan are similar in their aims. The Mid Sussex Design Guide contains design principles aimed at achieving the design objectives of the above policies.

The proposed extension is considered to be acceptable in terms of its design and having regard to the character and appearance of the dwelling house and the street scene, and general locality. In addition, it will not significantly harm the residential amenity for the occupants of adjoining properties.

The proposed development is therefore considered to comply with relevant policies DP26 and DP39 of the Mid Sussex District Plan and E9 and H9 of the Haywards Heath Neighbourhood Plan together with the design principles contained within the Design Guide.

### **RECOMMENDATION**

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

## **SUMMARY OF REPRESENTATIONS**

None

## **SUMMARY OF CONSULTEES**

None.

## **TOWN COUNCIL OBSERVATIONS**

No comment.

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## **INTRODUCTION**

Permission is sought to reduce the size of the first floor rear extension approved under DM/22/0735, as a variation of condition 2 (approved drawings) of this permission.

## **RELEVANT PLANNING HISTORY**

10/03534/Ful First floor side and single storey rear extension .Permission  
13/03734/PDE Large single storey rear extension. Permission  
DM/22/0735 First floor rear extension (amended drawing Rev E received on 25.05.2022 to reduce roof height and tile hanging to north elevation ) Permission

## **SITE AND SURROUNDINGS**

The application property is a detached two storey brick built dwelling which benefits from a single storey flat roofed rear extension. The house is set back from the road with a gravel and grassed front garden. Its rear garden boundary to the north comprises a 1m high brick wall with 0.5m close boarded fencing above, the boundary to the south is defined with 1.8m high close boarded fencing and there are mature dense very tall trees and shrubs planted at the rear (west).

Whilst the site itself is flat, the levels of the street fall away in a southerly direction from the north. The adjoining houses that flank the site to the north and south are staggered, with No.26 to the north sitting further forward of the principal elevation of the application property. No.22 to the south, sits slightly behind the application property. Wickham Way is not part of the public highway and is private road. It is characterised with hedgerows and grassed verges. A railway line is situated behind the rear boundary to the west of the site.

For the purposes of planning policy the property is located within the built up residential area in Haywards Heath, the character of which is suburban.

## **APPLICATION DETAILS**

The proposed first floor rear extension would sit over the footprint of the ground floor extension and would extend across the full width of the existing dwellinghouse but it is now proposed to have a reduced depth of 0.9m.

It's roof is hipped to meet with the sloping plane of the existing dwellinghouse. Roof tiles and brickwork are proposed to match existing.

## **LEGAL FRAMEWORK AND LIST OF POLICIES**

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Haywards Heath Neighbourhood Plan and Site Allocations Development Plan Document.

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**

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

Relevant policies:

DP26 - Character and Design

DP39 - Sustainable Design and Construction

### **Site Allocations Development Plan Document**

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

There are no relevant policies.

### **Neighbourhood Plan**

Relevant policies:

The Haywards Heath Neighbourhood Plan was formally made on 15th December 2016.

Relevant policies:

Policy E9 - Design

Policy H9 - Building Extensions

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

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.

### *Mid Sussex Design Guide Supplementary Planning Document (SPD)*

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)

Paragraphs 8, 11, 126, and 130 are considered to be relevant to this application.

### National Planning Policy Guidance

#### *National Design Guide*

#### *Ministerial Statement and Design Guide*

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.

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.

### **ASSESSMENT**

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

- design, in terms of impact on the application property and street scene, and
- residential amenity.

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 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.'*

This ethos is echoed within Policy E9 from the Haywards Heath Neighbourhood Plan.

Policy H9 of the Haywards Heath Neighbourhood Plan states:

*'Extensions to existing dwellings will be permitted where it meets the following criteria:*

- *The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- *Spacing between buildings would respect the character of the street scene.*
- *Gaps which provide views out to surrounding countryside are maintained.*
- *Materials are compatible with the materials of the existing building.*
- *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'*

The Mid Sussex Design Guide SPD also provides advice for extensions to dwellings. Principle DG49 states that:

*'Extensions should respond to the design of the original dwelling and applicants will be expected to demonstrate how local character has informed the design proposal. Extensions should also normally be designed to be well-integrated with the existing*

*scale, form and massing allowing the original building to remain the dominant element of the property whether it has one or several additions.*

*Extensions should typically use simple, uncomplicated building forms to complement and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise it should demonstrate the appropriateness of the alternative approach'.*

*In terms of rear extensions principle DG51 states that where they 'are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens.'*

Good design is also sought by paragraphs 126 and 130 in the NPPF.

The proposed extension has been re-designed and has been significantly reduced in size compared to earlier proposals. It now measures 0.9m deep by 9m across, which is the same width as the existing dwelling. Its roof is hipped and measures approximately 0.75m from eaves to its highest point where it meets with the existing roof.

This is a modest addition which will sit over the existing ground floor extension. The proposed extension will appear subservient in terms of its proportions and having regard to the form of the existing dwellinghouse.

The proposed extension will appear integral to its overall form and will respect the character and appearance of the existing house.

It is considered that the proposed extension would not appear unduly dominant and would not compromise the character and appearance of the locality.

In terms of sustainable design and construction (Policy DP39), this is a householder application for a modest extension. The proposed extension would need to comply with building regulation requirements which require the development to meet certain building standards compliant with minimising energy use.

The design of the proposed extension is therefore considered to be acceptable and meets the criteria of the relevant policies.

### **Residential Amenity**

In terms of the impact on neighbouring amenity, the test within policy DP26 of the District Plan is that development should not cause significant harm to the amenities of neighbours. The test as set out under policy H9 of the Haywards Heath Neighbourhood Plan, is that the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded. As such there is some conflict between these policies.

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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The earlier application under DM/22/0735 was approved at planning committee on 14th July 2022 and was for a first floor rear extension measuring 6.8m wide by 4.3m deep. The amended scheme under DM/23/0113 is a significant reduction in size.

MSDG Principle DG47 - Daylight/Sunlight, states that all dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards. The BRE guide gives two rule of thumb tests (plan and elevation) which determine whether or not further detailed daylight and sunlight tests are required. Applicable to the application proposal is the 45 degree test to check extensions perpendicular to a window. On plan the 45 degree test is taken from the mid-point of the neighbouring property's closest ground floor window. If on plan the proposed extension cuts across this 45 degree angle further detailed tests are necessary. On elevation, the 45 degree angle is taken from the mid-point (between eaves and ridge height) on the side of the proposed extension closest to the neighbouring property's closest window to again assess whether the test is breached.

The proposed extension would not cut across the 45 degree splay. It is also on the northern side of No. 22 so would not therefore adversely affect daylight and sunlight levels and would not result in overshadowing that would amount to any significant harm.

There are no windows proposed at first floor in the side elevation so there would be no significant harm as a result of overlooking and a loss of privacy.

There is sufficient space between dwellings so it is considered that the outlook when viewed from No.22 would not appear oppressive and would not amount to any significant harm for the occupants of this adjoining property.

The adjoining property to the north is further forward and no significant harm would result for the amenities of this property.

Despite No.26 being sited to the northern side of the extension, it would not cut across the 45 degree rule of thumb test and would not adversely result in loss of daylight/sunlight. As such, the proposed extension would not result in any significant harm to the amenities of No. 26 by reason of overshadowing and a loss of daylight and or sunlight.

Overall, the proposed extension would not result in any significant harm in terms of residential amenity for the occupiers of adjoining properties in accordance with relevant policies.



## CONCLUSION

The proposed extension is considered to be acceptable for the reasons set out above, and it is therefore recommended that permission be granted. The proposed extension is in accordance with all the relevant development plan policies DP26 and DP39 of the Mid Sussex District Plan and E9 and H9 of the Haywards Heath Neighbourhood Plan, as well as the provisions contained within the NPPF and the Mid Sussex Design Guide.

Accordingly, the application is recommended for approval subject to the conditions listed in Appendix A.

---

## 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.

### Approved Plans

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 Applications".

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

3. The materials and finishes of the external finishes of the extension hereby permitted shall match in colour and texture those of the existing dwelling house.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policies E9 and H9 of the Neighbourhood Plan.

### Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Proposed Floor and Elevations Plan	02	G	16.01.2023

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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