

MID SUSSEX DISTRICT COUNCIL

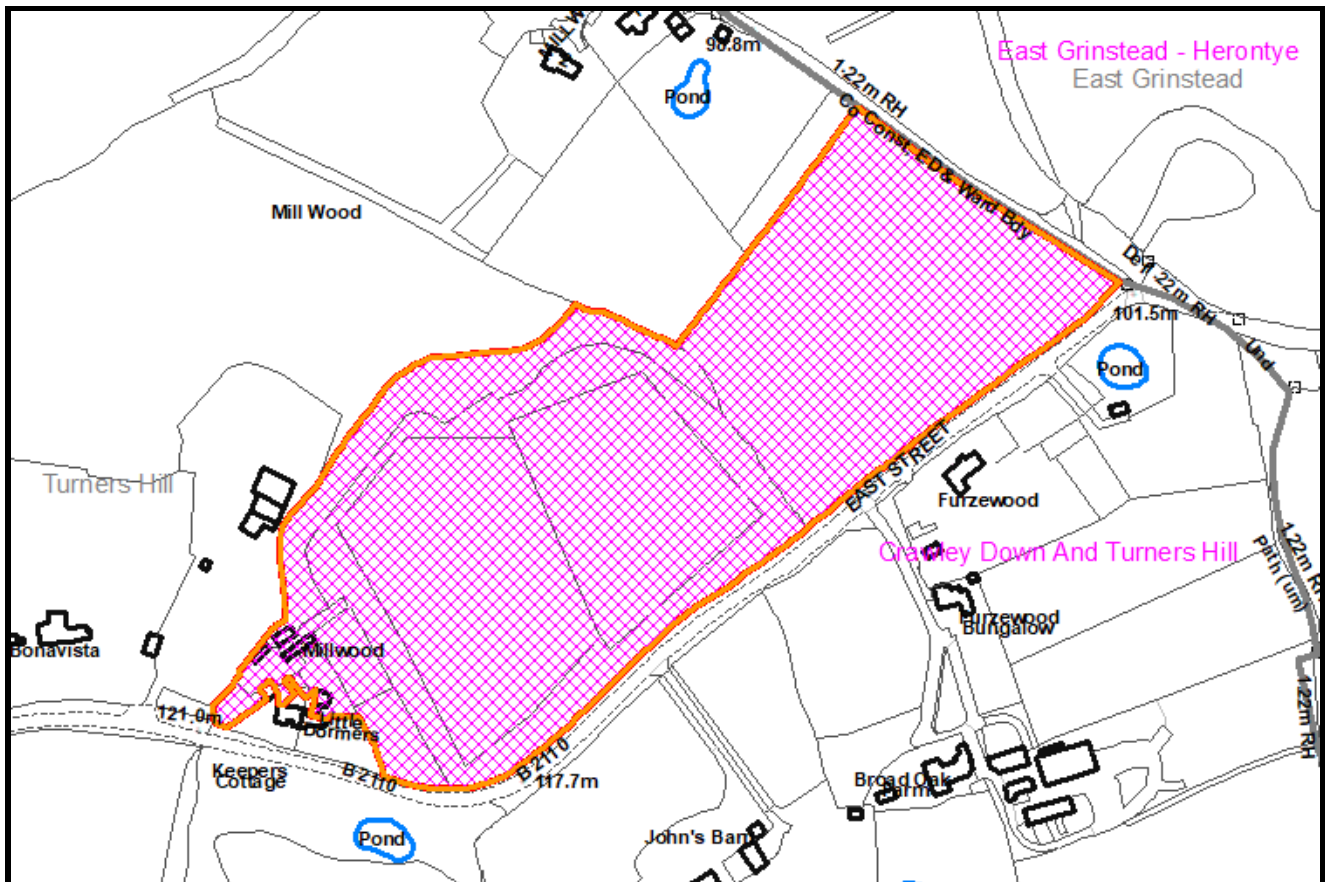
Planning Committee

12 JAN 2022

RECOMMENDED FOR PERMISSION

Turners Hill

DM/22/2576



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**MILLWOOD EAST STREET TURNERS HILL CRAWLEY WEST SUSSEX
RH10 4QQ**

**FULL PLANNING PERMISSION FOR THE CHANGE OF USE OF LAND,
CONSTRUCTION OF 1NO NEW DOG GROOMING PARLOUR, THE
CREATION OF 1NO NEW VEHICULAR ACCESS, CAR PARKING, AND
INTERNAL VEHICULAR ACCESS ROUTE. (ADDITIONAL INFORMATION
RECEIVED 21.10.2022)**

MR JOHN TAYLOR

POLICY: Ancient Woodland / Ancient Woodland / Ancient Woodland / Area of Special Control of Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Planning Agreement / Planning Obligation / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / SWT Bat Survey / Minerals Local Plan Safeguarding (WSCC) / Minerals Local Plan Safeguarding (WSCC) / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Smallscale Major Other

8 WEEK DATE: 14th January 2023

WARD MEMBERS: Cllr Phillip Coote / Cllr Ian Gibson / Cllr Roger Webb /

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 change of use of the land for the provision of secure dog walking facilities, construction of a new dog grooming parlour, a new access, new car parking area and internal vehicular access route at Millwood East Street Turners Hill RH10 4QQ.

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 countryside where policy DP12 requires proposals to maintain or in enhance the quality of the rural and landscape character of the District. Due to the scale, design and appearance of the proposed works the proposal is considered maintain the quality of the rural and landscape character of the District. Paragraphs 84 and 85 of the NPPF support sustainable economic development in rural areas however paragraph 85 recognises that these areas may not be well served by public transport. Taking into account the design of the proposal it is considered to be sensitive to its surroundings and the local highways authority have raised no objection to the proposal. Policy DP14 supports small-scale economic development within the countryside, the proposal is relatively small scale and its operating hours can be secured by a suitably worded condition. As such it

would support the sustainable growth and vitality of the rural economy, it should also be noted that the site is being infrequently used for a similar use. As such the principle of development is considered acceptable.

Taking into account the modest nature of the proposal, its design, appearance and the existing boundary treatment, the proposal 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 proposed impact on existing trees and the High Weald AONB is considered acceptable and can be secured by a condition. The resulting parking arrangement and access's impact on highways safety is considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP12, DP14, DP16, DP21, DP26 and DP27 of the Mid Sussex District Plan, policies THP8 and THP13 of the Turners Hill Neighbourhood Plan, the Mid Sussex Design Guide SPD, West Sussex County Council Guidance on Parking at New Development (September 2020), the High Weald AONB Management Plan 2019-2024 and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

SUMMARY OF REPRESENTATIONS

Four third-party representation letters have been received in respect of this application. They object to the proposal due to the use of the proposed access and its impact on highway safety,

SUMMARY OF CONSULTATIONS

TURNERS HILL PARISH COUNCIL

The Parish Council cannot support this application as it is not in accordance with the conditions set out in policy THP13 in the Neighbourhood Plan, it is over intensification of a rural area and there are concerns about road safety as the new access road is between two blind corners.

MSDC ENVIRONMENTAL PROTECTION

The main environmental impact from this proposed change of use of land and the construction of a new dog grooming parlour will be from noise from dog barking. I have reviewed the applicant's supporting documents and am satisfied that the proposed business model, number of dogs, hours of operation and layout in relation to neighbouring properties, will not create significant adverse impact. I recommend that the hours of use of both the grooming parlour and the dog walking fields are made explicit by condition. I also recommend conditions that ensure lidded dog waste bins are always in place at each of the dog walking fields and are emptied regularly and that dogs are not permitted to be left unattended in any of the fields. On this basis I have no objection to the proposal.

WSCC HIGHWAYS AUTHORITY

Summary

This proposal is for the change of use land for dog walking, construction of dog grooming parlour and creation of new vehicular access with parking. The site is located on East Street, a B-classified road subject to national speed limit in this location.

This application is supported by a Transport Statement provide by Ardent. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application subject to conditions.

MSDC Street Naming and Numbering Officer

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved.

MSDC Tree Officer

No objections subject to conditions.

INTRODUCTION

The application seeks planning permission for the change of use of the land for the provision of secure dog walking facilities, construction of a new dog grooming parlour, a new access, new car parking area and internal vehicular access route at Millwood East Street Turners Hill RH10 4QQ. The application has been referred to Committee because the assessment of the proposal is considered to be balanced.

SITE AND SURROUNDINGS

The application site is located within the countryside and the setting of the High Weald Area of Outstanding Natural Beauty which is located to the south of the site. The application site consists of a residential dwelling, one stable block and three agricultural fields. The site measures some 4.45 hectares

The existing dwelling is a two-storey semi-detached residential property which is finished in bare brown brick work, brown clay roof tiles and white uPVC window and door frames. The stable block is single storey in its nature and finished with black stained horizontal timber clad walls, brown concrete roof tiles and brown timber window frames and doors. The stable is located to the north of the dwelling. There are three fields located to the east of the existing dwelling and stable which are the subject of this application and there is some post and mesh fencing within the existing fields.

The existing boundary treatment around the site consists of significant trees lines to the north, south, east and west of the site and some 2.0 metre high closed board fencing to the north of the site.

East Street which is a B Class classified road is located to the south of the site, Ancient Woodland, an industrial site and some residential properties are located to the north of the site, Ancient Woodland is located to the east of the site and residential properties are located to the west of the site.

APPLICATION DETAILS

The proposal seeks planning permission for the change of use of the land for the provision of secure dog walking facilities which would take place within the three fields. These facilities would consist of timber post and mesh fencing bordering the fields which would measure some 0.9 hectares, 0.96 hectares and 1.2 hectares. The fencing would measure some 1.5 metres in height for two of the fields and 1.8 metres in height for the other.

The proposed dog grooming parlour would consist of extending the existing stable block to provide four additional rooms in which the parlour would be located. These rooms would consist of a holding area, a reception area, a staff room and a wash and groom room. The extension would measure some 9.4 metres in depth, 6.1 metres in width, an eaves height of 2.7 metres and a total height of 5.7 metres. It would be characterised by external materials similar in appearance to those used in the existing stables.

The proposed access is located to the south of the site and would provide vehicular access to and from East Street. It measures some 5.5 metres in width and 8.0 metres in depth and it would be constructed of concrete. The proposal includes an internal vehicular track with some seven vehicular parking spaces and it would be characterised by road planning surfacing. The proposal also includes three timber shelters one in each field.

The dog grooming parlour is proposed to be in use between 0900 and 1700 hours and the dog walking fields will be in use between 0700 and 1900 hours in spring and summer and between 0800 and 1600 hours in autumn and winter.

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:

DP12 - Protection and Enhancement of Countryside
DP14 - Sustainable Rural Development and the Rural Economy
DP16 - High Weald Area of Outstanding Natural Beauty
DP21 - Transport
DP26 - Character and Design
DP37 - Trees, Woodland and Hedgerows

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.

Turners Hill Neighbourhood Plan (adopted March 2016)

THP8 - Countryside Protection
THP13 - Business Development

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.

High Weald AONB Management Plan 2019-2024

West Sussex County Council Guidance on Parking at New Development (September 2020)

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 setting of High Weald AONB
- Highways matters, and
- Planning balance and conclusion.

Assessment

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, Turners Hill Neighbourhood Plan and the Site Allocation DPD.

The relevant countryside protection policy is Policy DP12 of the District Plan, which states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District,

and:

- *it is necessary for the purposes of agriculture, or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

Policy DP14 of the Mid Sussex District Plan in part states:

'New small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:

- it supports sustainable growth and the vitality of the rural economy, and*
- where possible, utilises previously developed sites.'*

Policy THP8 of the Turners Hill Neighbourhood Plan states:

'Outside the Built up Area Boundary (which is shown on the proposals map on page 24), priority will be given to protecting and enhancing the countryside from inappropriate development. A proposal for development will only be permitted where:

a) It is allocated for development in Policy THP1 or would be in accordance with Policies THP7 and THP14 of this Plan or other relevant planning policies applying to the area, and:

b) It must not have a detrimental impact on, and would enhance, areas of substantial landscape value or sensitivity, and

c) It must not have an adverse impact on the landscape setting of Turners Hill and

d) It must maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built up area, and

e) Within the High Weald Area of Outstanding Natural Beauty it must conserve and enhance the natural beauty and would have regard to the High Weald AONB Management Plan.

f) It is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.

Our Strategic Gaps are identified in MSDC Local Plan policy C2 and the High Weald Area of Outstanding Natural Beauty by Local Plan policy C4.

Policies in the emerging District Plan will provide protection and enhancement in relation to trees, woodland and hedgerows as well as biodiversity.'

Policy THP13 of the Turners Hill Neighbourhood Plan states:

'The conversion of existing buildings and the small-scale expansion of existing employment premises across the parish will be supported. Development of this nature must meet all the following criteria:

Respect the character of the area,

Not harm the surrounding landscape, and

Safeguard residential amenity and road safety.'

Paragraph 84 of the NPPF states:

'84. 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.'*

Paragraph 85 of the NPPF states:

'85. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

The proposed dog groom parlour would be accommodated within a proposed extension to the existing stable. It would be of a modest single storey nature and be finished in materials to match the existing stable building. It would be constructed in close proximity to existing buildings in the site and neighbouring the site such that it would not extend built development over the countryside.

The proposed dog walking facilities include limited physical development and two of the three existing fields have existing post and mesh fencing within them. The applicants have advised that the two existing fields have been used sporadically for dog training purposes.

The proposed fencing is considered common place within rural areas and the proposed shelters would be of a modest nature and characterised by external materials that are considered common within rural areas.

The proposed parking and internal vehicular access route would create new hardstanding within the site. It is, however of a modest scale and due to the existing boundary treatment, there would be limited views of the hardstanding from the surrounding area.

The proposal would create a new vehicular access to the south of the site onto East Street, whilst it is noted that the access would remove some existing boundary treatment to the south only a limited amount of vegetation would be removed. It should also be noted that there are several existing accesses onto East Street from the south and the north of the road.

The proposed use of the fields and dog grooming parlour is considered to be relatively small-scale and the intensity of the uses can be secured by suitably worded conditions which restrict opening hours. There is also an industrial site to the north of the application site.

Due to the location of the site it would likely require the use of private cars to travel to, however due to the nature of the use and that it would require large secure open space it is considered appropriate within the countryside. Many proposed business uses considered under policies DP14 and THP13 would be likely to generate some vehicular movements. Due to the nature of the use it would have a relatively local catchment area with the built up areas of East Grinstead, Crawley Down and Turners Hill located in relatively close proximity to the site.

Taking into account the above assessment the proposal is considered to maintain the quality of the rural and landscape character of the District. Policy DP14 supports small-scale economic development within the countryside and the proposal would support the sustainable growth and vitality of the rural economy and the site is being infrequently used for a similar use. As such the proposal is considered to comply with policies DP12 and DP14 of the Mid Sussex District Plan, policies TH8 and TH13 of the Turners Hill Neighbourhood Plan and acceptable in principle and paragraphs 84 and 85 of the NPPF.

It is noted that Turners Hill Parish Council have objected to the proposal in part, as it would result in an over intensification of a rural area and not accord with policy THP13 of the Turners Hill Neighbourhood Plan. Taking into account the above assessment the proposed use of the site is considered to be relatively small scale and an appropriate use within a rural area. As such the proposal is considered to comply with policy TH13 of the Turners Hill 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 Mid Sussex Design Guide SPD.

The proposed extension to the existing stable would be characterised by external materials similar in appearance to those used in the existing stable. The proposed post and mesh fencing would be characterised by similar external materials as the existing post and mesh fencing. The proposed access, parking space and internal access track will be similar in appearance to the existing highway and parking area to the north-west of the application site. Details of the proposed external materials can be secured by a suitably worded condition.

The proposed extension to the stable which would be used as a dog grooming parlour is of a modest single storey nature and it would be similar in its design to the existing stable block. The proposed secure dog walking facilities consist of limited physical development however the proposed fencing would be modest in its nature and similar in appearance to existing fencing within the site. The proposed hardstanding would be modest in its scale and there is similar hardstanding within the surrounding area. The proposed access would remove some of the existing tree line to the south which is considered to contribute to the character of the area however the amount of vegetation to be removed is modest and there are similar accesses within the surrounding area. The proposed shelters are of modest scales and further details of them can be secured by a suitably worded condition. The resulting highways access and parking arrangement are to be assessed in a subsequent section of this report. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and complies with policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Impact on amenities of neighbouring properties

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),'

The Council's Environmental Health Officer has been consulted on the application and they have raised no objection to the proposal subject to conditions relating to hours of use and disposal of waste being imposed. There is significant boundary treatment surrounding the site with large tree lines surrounding the site. Between the application site and the residential properties to the south of the site is a significant tree line and East Street road. The residential properties to the north of the site are a

significant distance from the application site with a significant tree line between the application site and the residential properties. The proposed dog walking facilities are set away from the residential properties to the west of the site and the proposed dog grooming will be undertaken within the proposed extension to the existing stables. A condition will be imposed regarding the hours of operation of the site and details of waste disposal have been set out within the application documents. 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.

Trees, Woodland and Hedgerows

'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.'

The proposal will remove an existing oak tree to the south of the site to allow for the construction of a new vehicular access to the site. Whilst its loss is regrettable the tree forms part of a larger tree line which contributes to the character of the area and the loss of one tree is not considered to result in such harm that the application should be refused. The Council's Tree Officer has commented on the application recommending further protection details be submitted and these details can be secured by a suitably worded condition. As such the proposal complies with policy DP37 of the Mid Sussex District Plan.

High Weald Area of Outstanding Natural Beauty

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

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

Paragraph 176 of the NPPF states that:

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

Policy DP16 of the Mid Sussex District Plan in part states:

'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.'

The proposed physical development is modest in its nature and is considered to be in-keeping with the rural character of the area. There is significant boundary treatment to the south of the site and as such there would be limited views into and out of the AONB from the application site. Taking into account the above the proposal is considered not to detract from the visual qualities and essential characteristics of the AONB nor adversely affect views into and out of the AONB and complies with the above part of policy DP16 of the Mid Sussex District Plan, paragraph 176 of the NPPF and the Countryside and Rights of Way Act 2000.

Highways Matters

Policy DP21 of the Mid Sussex District Plan in part states:

- *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*
- *The Scheme protects the safety of road users and pedestrians.'*

A similar ethos is contained within the West Sussex County Council Guidance on Parking at New Development (September 2020).

The proposal seeks to provide a new vehicular access to the south of the site, an internal access road and seven off-street parking spaces within the site. The local highways authority have been consulted on the proposal and have raised no objection subject to the compliance with a number of conditions requiring the construction of the access and parking spaces prior to the occupation of the development. They have advised that suitable visibility splays can be constructed for the proposed access, that the number of proposed parking spaces is sufficient and that the expected number of vehicular trips can be accommodated into the local highway network. Taking into account the above the proposed parking arrangement and highways access are considered acceptable and the proposal complies with policy DP21 of the Mid Sussex District Plan.

Four representation letters have been received in respect of the application and they object to the proposal due to the proposed access and its impact on highways safety. The Parish Council have also raised this concern, however given the above assessment and that the local highways authority have raised no objection the

proposed works are considered to comply with policy DP21 of the Mid Sussex District Plan and the West Sussex County Council Guidance on Parking at New Development (September 2020).

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.

Taking into account the design and scale of the proposal it is considered to maintain the quality of the rural and landscape character of the District. It is considered to be relatively small-scale and would support the sustainable growth and vitality of the rural economy. Taking into account the design of the proposal it is considered to be sensitive to its surroundings and the local highways authority have raised no objection to the proposal. As such the principle of development is considered acceptable under policies DP12 and DP14 of the Mid Sussex District Plan, policies TH8 and TH13 of the Turners Hill Neighbourhood Plan and paragraphs 84 and 85 of the NPPF.

Taking into account the modest nature of the proposal, its location and its design the proposal 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. Whilst the loss of the tree is unfortunate it is considered acceptable and suitable protection measures can be secured by a suitably worded condition. The impact on the setting of the High Weald AONB is considered acceptable. The resulting parking arrangement and highways access are considered to be acceptable in respect of highways safety.

For the above reasons, the proposal is deemed to comply with policies DP12, DP14, DP16, DP21, DP26 and DP37 of the Mid Sussex District Plan, policies THP8 and THP13 of the Turners Hill Neighbourhood Plan, the Mid Sussex Design Guide SPD, West Sussex County Council Guidance on Parking at New Development (September 2020), the High Weald AONB Management Plan 2019-2024 and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans referred to in Consideration of this Application'.

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

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

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

4. The proposed dog grooming parlour shall not be open for trade or business except between the hours of 0900 and 1700 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.

5. The proposed secure dog walking facilities shall not be used except between the below time frames:

Between the months of March and August inclusive: 0700 to 1900,

Between the months of September and February inclusive: 0800 to 1600.

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

6. Prior to the commencement of the use of the first field for secure dog walking facilities, elevational details of the three proposed shelters shall be submitted to and approved in writing by the local planning authority and thereafter constructed in accordance with those details.

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

7. Prior to the commencement of the use hereby permitted the car parking spaces shall be constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and accord with policy DP21 of the Mid Sussex District Plan.

8. Prior to the commencement of the use hereby permitted the vehicular access serving the development shall be constructed in accordance with the details shown on the drawing titled 'Proposed Cross-Over Details' and numbered '5'.

Reason: In the interests of road safety and accord with policy DP21 of the Mid Sussex District Plan.

9. Prior to the commencement of the use hereby permitted the visibility splays of 2.4 metres by 72 metres to the southwest and 2.4 metres by 103 metres to the northeast shall have been provided at the proposed site vehicular access onto East Street in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and accord with policy DP21 of the Mid Sussex District Plan.

10. Prior to the construction of the proposed access, parking spaces and internal access road details of tree protection measures shall be submitted to and approved in writing by the local planning authority. These measures should include construction exclusion zones and tree protection fencing. The proposed access, parking spaces and internal access shall thereafter be constructed in accordance with these measures.

Reason: To protect the existing trees on the site and 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. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

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 Plan	01		12.09.2022
Site Plan	02		12.09.2022
Proposed Floor and Elevations Plan	03		12.09.2022
Planning Layout	04		12.09.2022
Access Plan	05		12.09.2022

APPENDIX B - FULL CONSULTATION RESPONSES

TURNERS HILL PARISH COUNCIL

The Parish Council cannot support this application as it is not in accordance with the conditions set out in policy THP13 in the Neighbourhood Plan, it is over intensification of a rural area and there are concerns about road safety as the new access road is between two blind corners.

MSDC ENVIRONMENTAL PROTECTION

The main environmental impact from this proposed change of use of land and the construction of a new dog grooming parlour will be from noise from dog barking. I have reviewed the applicant's supporting documents and am satisfied that the proposed business model, number of dogs, hours of operation and layout in relation to neighbouring properties, will not create significant adverse impact. I recommend that the hours of use of both the grooming parlour and the dog walking fields are made explicit by condition. I also recommend conditions that ensure lidded dog waste bins are always in place at each of the dog walking fields and are emptied regularly and that dogs are not permitted to be left unattended in any of the fields. On this basis I have no objection to the proposal.

WSCC HIGHWAYS AUTHORITY

Summary

This proposal is for the change of use land for dog walking, construction of dog grooming parlour and creation of new vehicular access with parking. The site is located on East Street, a B-classified road subject to national speed limit in this location.

This application is supported by a Transport Statement provide by Ardent. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility

The applicant proposes a new 5.5m wide access on East Street to serve the development. The proposed access is of sufficient width to allow two cars to pass when using the access. The applicant is advised to obtain the relevant consents from WSCC for the works to take place within the highway, prior to implementation.

The applicant has demonstrated visibility splays of 2.4m x 72m to the southwest and 2.4m x 103m to the northeast at the proposed access. This has been provided in accordance with 85th percentile speeds ascertained from an ATC speed survey, as provided within the

Transport Statement. As such, the LHA is satisfied with the demonstrated visibility for the proposed access.

Capacity

The site will comprise of three fields, which will operate an appointment based system of one-hour slots. In addition, the dog grooming parlour will operate with two members of staff and allocating approximately two-hours per appointment. As such, the Transport Statement estimates ten two-way movements per hour. Considering this, the LHA is satisfied that the number of trips generated can be accommodated into the local highway network and is not anticipated to give rise to an adverse highway safety impact.

Parking and Turning

The applicant proposes seven car parking spaces for the three dog walking fields and an existing car park will be utilised for the dog grooming parlour. Considering the scale of what is proposed, the LHA is satisfied with the proposed level of vehicular parking provision. From inspection of the plans, the proposed parking spaces appear suitably sized and on-site turning appears achievable.

Sustainability

The site is situated in a rural location that lacks access to public transport links. In addition, East Street is unlit and lacks a footway in this location. Therefore, the LHA anticipates that visitors and staff will have a reliance on the private car.

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.

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

Conditions

Access (Access to be provided prior to first occupation)

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Proposed Cross-Over Details' and numbered '5'.

Reason: In the interests of road safety.

Car parking space (details approved)

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Visibility (details approved)

No part of the development shall be first occupied until visibility splays of 2.4 metres by 72 metres to the southwest and 2.4 metres by 103 metres to the northeast have been provided at the proposed site vehicular access onto East Street in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

Informative

Works within the Highway - Area Office Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

MSDC Street Naming and Numbering Officer

Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved. Thank you.

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

MSDC Tree Officer

The enclosed report is lacking in detail, and the crossover through these boundary trees is not ideal, however they appear to be young trees of relatively low value. Despite this I should emphasise all the trees and boundary vegetation offer many benefits and should be carefully protected during construction. I would ask that a more detailed tree protection plan is submitted and agreed prior to the construction of the crossover.

In addition I would ask for assurance that the RPAs of the trees along this boundary are not impacted by the internal road and parking, and furthermore it would be recommended for the road, particularly the crossover to be constructed from a porous material to allow air and water to the soil surrounding these trees.

In principle I do not object to the proposal on aboricultural grounds.