

MID SUSSEX DISTRICT COUNCIL

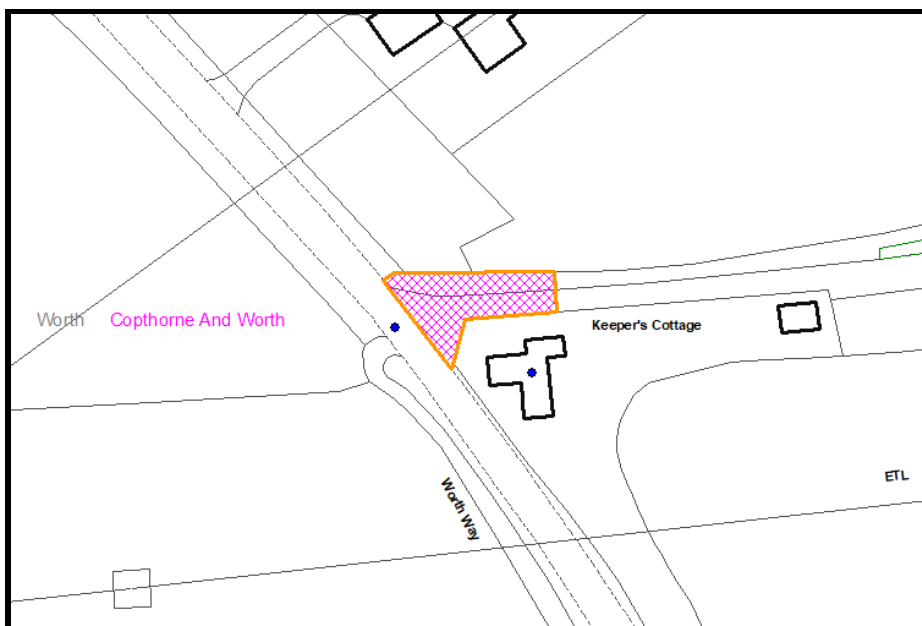
Planning Committee

13 APR 2023

PERMISSION

Worth

DM/23/0443



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**LAND AT WORTH WAY CRAWLEY DOWN WEST SUSSEX
ERECTION OF A WAYMARKER
MID SUSSEX DISTRICT COUNCIL**

POLICY: Area of Special Control of Adverts / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Methane Gas Safeguarding / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS)

ODPM CODE: Minor Other

8 WEEK DATE: 13th April 2023

WARD MEMBERS: Cllr Christopher Phillips / Cllr Bruce Forbes /

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

Planning permission is sought for the erection of a waymarker at Worth Way Crawley Down.

The application is being reported to planning committee as MSDC are the applicants. The proposal forms one of a number of applications forming part of a wider project aimed at identifying circular walks and features of interest for residents and visitors.

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. Due to the nature of the proposal it is considered to encourage use of paths, making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens. As such the principle of development is considered acceptable under policies DP12 and DP22 of the Mid Sussex District Plan.

Taking into account the modest nature of the proposal, its design and position the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause unreasonable harm to the amenities of nearby residents. The proposal's impact on the setting of the High Weald Area of Outstanding Natural Beauty is also considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP12, DP16, DP22 and DP26 of the Mid Sussex District Plan, policies CNP1 and CNP9 of the Copthorne Neighbourhood Plan, the Mid Sussex Design Guide SPD, the High Weald AONB Management Plan 2019-2024 and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

RECOMMENDATION

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

SUMMARY OF REPRESENTATIONS

No third-party representation letters have been received in respect of this application.

SUMMARY OF CONSULTATIONS

WEST HOATHLY PARISH COUNCIL

The council support this application.

Introduction

The application seeks planning permission for the erection of a of a waymarker at the Worth Way Crawley Down. The application has been referred to Committee because the District Council is the applicant.

SITE AND SURROUNDINGS

The application site is located immediately adjacent to the Worth Way and sited directly to its north. The site is located within the countryside and the setting of the High Weald Area of Outstanding Natural Beauty.

Open woodland is located to the north and east of the site, a residential property is located to the south of the site and Turners Hill Road is located to the west of the site. There is also a variety of street furniture within the immediate area including signs, fencing and gates.

APPLICATION DETAILS

The proposal seeks planning permission for the erection of a waymarker at the Worth Way Crawley Down.

The proposal will measure some 0.4 metres in width, 0.2 metres in depth and a total height of 1.6 metres. It would consist of an oak carving which is a decorative piece of public art with local references informing its design and a plaque with a QR code and logo. It will be constructed of green oak.

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

Mid Sussex District Plan 2021-2039 Consultation Draft

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.

Copthorne Neighbourhood Plan (adopted September 2021)

Policy CNP1 - General Development Requirements

Policy CNP9 - CA2: Agricultural Belt

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

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

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 the setting of the High Weald AONB, 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, Copthorne 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 DP22 of the Mid Sussex District Plan states in part:

'Access to the countryside will be encouraged by:

- *Ensuring that (where appropriate) development provides safe and convenient links to rights of way and other recreational routes,*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined up network of routes where possible,*

- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (Note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'*

The proposed waymarker is modest in its nature and it will be characterised by external materials that are considered to be appropriate within the countryside. There is also a variety of street furniture within the existing recreational ground including gates, signs and fences. As such the proposal is considered to maintain the quality of the rural landscape character of the District. The proposal marks the location of an existing public right of way at Worth Way and the proposed QR code directs people to additional information regarding the Mid Sussex Walking Trails. As such it is considered to encourage making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens. Taking into account the above the proposal is considered to comply with policies DP12 and DP22 of the Mid Sussex District Plan and acceptable in principle.

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 policy CNP1 of the Copthorne Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The site is located within the Agricultural Belt of Copthorne area as designated by the Copthorne Neighbourhood Plan.

Policy CNP9 of the Copthorne Neighbourhood Plan states in part that:

'As appropriate to their scale and nature development proposals within the defined Character Area 2 - The Agricultural Belt (as shown on the Policies Map) should deliver high quality development which takes account of their immediate locality. In particular development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters included in sections 4.3, 4.4 and 4.5 of the Copthorne Heritage and Character Assessment (May 2019). '

The proposal is of a modest scale and there is a variety of street furniture within the surrounding area. There are also a variety of external materials within the surrounding area. The design of the proposal is considered to be uncomplicated in its form and its design is considered to be of high quality. The details that have been submitted that informed the detailed design of the proposal are considered to demonstrate the high-quality design of the proposal. As such the proposal is considered to address the character and scale of the surrounding buildings and landscape and would represent high quality development that takes account of its immediate locality. Therefore, the proposal complies with policy DP26 of the Mid Sussex District Plan, policy CNP9 of the Copthorne Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Impact on amenities of neighbouring properties

Policy DP26 of the Mid Sussex District Plan 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),'

CNP1.2 of the Copthorne Neighbourhood Plan states:

'Proposals for new development should not cause unreasonable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby'

There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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 CNP1.2 of the Copthorne Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unreasonable harm to neighbouring amenities as outlined above.

The proposal is of a modest scale and it is not immediately adjacent to any residential properties. Taking into account the above and the nature of the proposal it is not considered to cause unreasonable harm to the amenity (including general activity, access, noise, privacy, daylight, and sunlight) of existing and future occupants, both on site and nearby. As such the proposal complies with the above part of policy CNP1.2 of the Copthorne Neighbourhood Plan.

Impact on the 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.'

A similar ethos is found within the High Weald AONB Management Plan 2019-2024.

The proposed works are modest in their nature and there will be limited views of the proposal from the surrounding area given the location of the proposal and the surrounding woodland. 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, High Weald AONB Management Plan 2019-2024, paragraph 176 of the NPPF and the Countryside and Rights of Way Act 2000.

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. Due to the nature of the proposal it is considered to encourage making existing rights of way multifunctional, more accessible and enhance the existing public footpaths, rights of way, bridle paths and twittens. As such the principle of development is considered acceptable under policies DP12 and DP22 of the Mid Sussex District Plan.

Taking into account the modest nature of the proposal, its design and position the proposal is considered to address the character and scale of the surrounding buildings and landscape and it would not cause unreasonable harm to the amenities of nearby residents. The proposal's impact on the setting of the High Weald Area of Outstanding Natural Beauty is also considered to be acceptable.

For the above reasons, the proposal is deemed to comply with policies DP12, DP16, DP22 and DP26 of the Mid Sussex District Plan, policies CNP1 and CNP9 of the Copthorne Neighbourhood Plan, the Mid Sussex Design Guide SPD, the High Weald AONB Management Plan 2019-2024 and the objectives of the National Planning Policy Framework. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. **Approved Plans**
The development hereby permitted shall be carried out in accordance with the plans listed below under the heading 'Plans referred to in Consideration of this Application'.

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans

and application form without the prior approval of the Local Planning Authority.

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

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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 Elevations	-	-	16.02.2023
Location Plan	Loc W5	-	16.02.2023
Site Plan	Site W5	-	16.02.2023
Photographs	-	-	16.02.2023

APPENDIX B – CONSULTATIONS

APPENDIX B - FULL CONSULTATION RESPONSES

West Hoathly Parish Council

The council support this application.