

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0182	Case Officer:	Peter Davies
Application Type:	Householder Application		
Proposal:	Garden shed building		
Site:	Furzedown, Eden Vale, East Grinstead, West Sussex, RH19 2JH, , ,		
Validation Date	27 Jan 2025	Overall Expiry Date:	20 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Mar 2025
Target Date:	24 Mar 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
--	--	-------------------------------	---

Signed and Agreed By:	Stephen Ashdown	Date:	17 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0182

**Furzedown, Eden Vale, East Grinstead, West Sussex, RH19 2JH, ,
Garden shed building
Mr Adam Garnham**

REPRESENTATION RECEIVED

2 letters of representation have been received in support of the proposal from neighbouring properties as it would be hidden from public view and not impact the surrounding area.

SUMMARY OF CONSULTEES

Southern Water - no objection

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The application seeks planning permission for an outbuilding within the garden.

RELEVANT PLANNING HISTORY

10/02611/FUL - Erection of two storey four bedroom detached dwelling with parking and double garage. Permission

SITE AND SURROUNDINGS

The application property is a detached two storey dwelling located to the north of the junction of Furze Field Road and Eden Vale on a corner plot. The property is located within the built-up area boundary of East Grinstead.

The application property has a pitched roof and is constructed from brick with hanging tile at first floor level, plain roof tiles and white uPVC fenestration. The dwelling faces east with garden to each side and off-street parking to the north side. The boundaries adjoining the highway are marked by large mature hedging. The locality is characterised by detached and semi-detached dwellings of varying form scale and design.

APPLICATION DETAILS

The application seeks planning permission for a garden shed outbuilding located on the southeast corner of the plot. The outbuilding will have a width and depth of 3.50 metres and 4.60 metres. The shed will have a pitched roof with an eaves height of 2.40 metres and an overall height of 3.50 metres. The shed will be timber clad with a shingles roof and have a west facing doorway.

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, Site Allocation Development Plan Document (DPD) and East Grinstead 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:

DP26 - Character and Design

Site Allocations DPD

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.

East Grinstead Neighbourhood Plan (made November 2016)

Relevant policies:

EG3 - Promoting Good Design

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant Policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

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) (December 2024)

Paragraphs 8, 11, 131 and 135 are considered to be relevant.

National Planning Policy Guidance

Ministerial Statement and Design Guide

ASSESSMENT

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

- Design and Character
- Impact on neighbouring properties
- Other matters
- Biodiversity Net Gain

Design and Character

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."*

Also relevant in the determination of the application is Policy EG3 of the East Grinstead Neighbourhood Plan, which states:

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

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) 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;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*

- g) *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*
- h) *Proposals make provision for green infrastructure and biodiversity enhancement.*
- Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'*

The proposed outbuilding is of an acceptable scale and design and would not be visible from the street scene as a result of large mature hedging along the south and east boundary. Therefore, in terms of character and design, the proposal complies with policy DP26 of the Mid Sussex District Plan, policy EG3 of the East Grinstead Neighbourhood Plan and the relevant paragraphs of the NPPF.

Impact on neighbouring properties

In assessing the potential impact of the proposed extension works upon the neighbouring amenities consideration needs to be given to the wording and content of District Plan Policy DP26 and Neighbourhood Policy EG3. There is a clear conflict in the phrasing of these policies. Policy DP26 requires that *'All applicants will be required to demonstrate 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).'* In contrast Policy EG3 states that proposals do not harm adjoining amenity. This represents a significantly higher bar to development than the District Plan policy.

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 proposed outbuilding will be located approximately 7 metres from the shared boundary with Lynbrook to the west with the boundary marked by hedging which faces onto the front driveway of the dwelling. Due to the proposed location there are no other neighbouring properties within view of the development. The proposal will therefore not create significant harm to neighbouring amenities and considered to comply with policy DP26 of the Mid Sussex District Plan and policy EG3 of the East Grinstead Neighbourhood Plan.

Other Matters

Southern Water have provided comments on the proposal and state that any new connection would require a new sewer connection application to be submitted and approved by Southern Water.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposal is considered to be acceptable in terms of design, size and scale to the dwellinghouse and locality, would not cause significant harm the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policy DP26, policy EG3 of the East Grinstead Neighbourhood Plan and with the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Peter Davies