

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3209	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Demolish the existing single storey flat roof rear extensions and first floor flat roof dormer windows. Erection of 1 1/2 storey rear extensions on the footprints of the existing single storey extensions and erection of replacement dormer windows. Refurbishment of the existing flats and erection of a 1 1/2 storey southern side extension to provide two additional 1 bed flats.		
Site:	Cottage Homes, Church Platt, Cuckfield, West Sussex, RH17 5LA, , ,		
Validation Date	16 Dec 2025	Overall Expiry Date:	3 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	6 Mar 2026
Target Date:	10 Feb 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	4
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	10 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3209

**Cottage Homes, Church Platt, Cuckfield, West Sussex, RH17 5LA, ,
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Cuckfield Cottage Homes CIO**

SUMMARY OF REPRESENTATIONS

Four letters of objection were received in response to the application. These raised concerns regarding:

- Application material errors and inconsistencies
- Reliance on unsecured boundary screening
- Inappropriate scale, bulk and massing of the proposal
- Unacceptable intensification of overlooking and loss of privacy to Old Clergy House
- Parking demand and parking stress
- Surface water runoff
- Development scale and size
- Construction
- Rationale
- Design Guide policy conflicts
- Design out of keeping with surrounding area
- Loss of privacy and outlook to Masons Cottage

SUMMARY OF CONSULTEES

MSDC Conservation Officer

'In terms of the NPPF paragraph 216, the proposal will in my opinion result in a mid-high level of harm to an asset of a mid-high level of interest in the local context.

With respect to the impact on the Conservation Area, I would place this at a mid-level of less than substantial harm, such that the balancing exercise in paragraph 215 will apply.

With respect to the harm caused, through impact on setting, to the special interest of the adjacent listed buildings, this will vary according to the nature of the asset, proximity and views but I would place it within the less than substantial scale in all cases. In terms of the church and the western lychgate, which will arguably be most affected, I would place it at around the low-mid level of that scale. The impact will be not only in terms of intervisibility and of views and vistas including both asset and application site, but of the effect on the context within which the assets are experienced in kinetic views by those moving along Church Platt and into and around the adjacent parts of the church yard, which surrounds Cottage Homes on two sides. Again, the balancing exercise set out in paragraph 215 of the NPPF will apply.'

Historic England

'Historic buildings derive their significance not only from their physical fabric but also their setting- the surroundings in which they are experienced. On this basis, the development has the potential to impact both the setting of the church and the character and appearance of the conservation area and therefore requires a sensitive design approach. This should include careful consideration of how the layout, scale and materials of the proposed works relate to the surrounding heritage assets and contribute positively to their setting.'

WSCC Highways

No objection.

Southern Water

No objection.

MSDC Tree Officer

No objection.

Nature Space

No objection.

Ecology

No objection, subject to conditions.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

The application seeks full planning permission to demolish the existing single storey flat roof rear extensions and first floor flat roof dormer windows, to erect 1 1/2 storey rear extensions on the footprints of the existing single storey extensions to erect replacement dormer windows, and to erect a 1 1/2 storey southern side extension to provide two additional 1 bed flats.

RELEVANT PLANNING HISTORY

08/03793/FUL- Replacement windows to east elevation. Permission.

SITE AND SURROUNDINGS

Cottage Homes are a short terrace of 1 ½ storey unlisted almshouses and are considered a non-designated heritage asset. The application site is split into three ground floor flats and three first floor flats, sat within a communal garden. The property is characterised by red brick to the ground floor, red tile hanging to the first-floor level and white timber windows. The terrace has a hipped roof form with clay tiles, and benefits from single storey flat roof extensions and flat roof dormers to the rear roof slope. There is a detached single storey outbuilding extending along the western boundary of the terrace. The property has pedestrian access to the northwest and northeast of the site.

The application site lies within the built-up area boundary of Cuckfield and lies within the Cuckfield Conservation Area. The site lies within the setting of Holy Trinity Church, which is Grade I listed, and the churchyard which contains a number of Grade II listed tombs as well as a Grade II listed lychgate and flanking walls to the north of the site. Neighbouring properties are located to the northeast and west. Highway is located to the northwest.

APPLICATION DETAILS

The proposal would extend six existing 1 ½ storey flats and would form two flats attached to the southern side of the existing terrace. This would result in the formation of a terrace of eight properties.

The three no. single storey flat roof extensions would be constructed on the footprint of the existing single storey rear extensions. The roof extensions would measure some 4.3 metres in width and some 4

metres in depth. This would have a pitched roof with a height to the ridge of some 7.2 metres and a height to the eaves of some 4.8 metres. This would have a window on the rear (western) elevation. The dormer windows would be finished in external materials to match the existing. It is proposed to use this as a bedroom or kitchen.

It is also proposed to erect three no. replacement dormer windows. These would have a maximum width of some 4.6 metres and a maximum depth of some 5 metres. These would have flat roofs with a height of some 2.3 metres. These two northernmost dormers would have two windows on the rear (western) elevation, and the southernmost dormer would have one window on the rear (western) elevation. This would be finished in external materials to match the existing.

The proposal also seeks to erect a 1 1/2 storey southern side extension to provide two additional 1 bed flats. The side extension would measure some 11.7 metres in length and some 7.6 metres in depth. This would have a hipped roof with a height to the ridge of some 7.6 metres and a height to the eaves of some 5.9 metres. This would have a window on the front (eastern) elevation at ground and first floor level, two windows on the side (southern) elevation at ground and first floor level and two windows on the rear (western) elevation at ground and first floor level. This would be finished in external materials to match the existing. The extension would form two additional units which would each comprise of an open plan kitchen/ living/ dining area with a toilet and bedroom.

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, and*
- b) Any 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, Site Allocations Development Plan Document (DPD) and the Cuckfield Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) 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:

DP5 - Planning to Meet Future Housing Need

DP6 - Settlement Hierarchy

DP21 - Transport

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP28 - Accessibility

DP29 - Noise, Air and Light Pollution

DP34 - Listed Buildings and Other Heritage Assets

DP35 - Conservation Areas

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

DP39 - Sustainable Design and Construction

Site Allocations DPD

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

No relevant policies.

Cuckfield Neighbourhood Plan

The Cuckfield Neighbourhood Plan was made in 2014.

Relevant policies:

CNP1 - Design of New Development and Conservation

CNP4 - Protect and Enhance Biodiversity

CNP7 - Housing Development within the Built Up Area Boundary

CNP10- Building Extensions Within and Outside the Built Up Area Boundary

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) - Special regard to be had to the preservation of a listed building or its setting.

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

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 the 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:

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPB3 - Conservation Areas

DPT4 - Parking and Electric Vehicle Charging Infrastructure

DPN2 - Biodiversity Net Gain
DPN4 - Trees, Woodlands and Hedgerows
DPN6 - Pollution
DPN7 - Noise Impact
DPH1 - Housing
DPH3 - Sustainable Development Inside the Built-Up Area
DPH11 - Dwelling Space Standards

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)

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 overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

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 39 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 48 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

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

Technical Housing Standards

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) - Special regard to be had to the preservation of a listed building or its setting

ASSESSMENT

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

- o Principle
- o Impact on Heritage Assets, Character and Design
- o Impact on Residential Amenity
- o Impact on future occupants of the development
- o Impact on parking provision
- o Trees
- o Sustainability
- o Ecology
- o Biodiversity Net Gain
- o Other matters
- o Planning Balance and Conclusion

Principle

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

In terms of policy designations, the starting point for this assessment is that the application site falls inside of the built-up area of Cuckfield as defined by the District Plan.

As the proposed development is within the built-up area of Cuckfield, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design) and not cause harm to the character and function of the settlement.'

In addition to the above, Cuckfield is defined as a category 2 settlement in the hierarchy listed under MSDP policy DP6. As such, the application site is considered to be a sustainable location for residential development.

Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;

'For decision-taking this means;

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).

As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.

Therefore the key test that must be undertaken when assessing this application is as set out within paragraph 11(d) of the NPPF.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Impact on Heritage Assets, Character and Design

With regard to the setting of the listed building, DP34 requires:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o Special regard is given to protecting the setting of a listed building;*

o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.

In regard to Conservation Areas, DP35 of the District Plan requires:

'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:

- o 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;*
- o 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;*
- o 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;*
- o 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;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Paragraph 207 of the NPPF requires the applicant to describe the significance of any heritage asset affected. Significance is defined in Annex 2 of the NPPF as *"The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting"*. The applicant has provided a Heritage Statement in support of the application which assesses the proposals impact on the relevant heritage assets. Therefore, this requirement of the NPPF is considered to have been met.

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

The listed buildings are considered to be significant in heritage terms by virtue of its designation and this significance is likely to arise from its historical, aesthetic (fortuitous) value and historical (illustrative) value.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraphs 212 - 215 of the NPPF states:

"212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

DP26 of the 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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o 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'*

Policy CNP 1 of the Cuckfield Neighbourhood Plan relates to the design of new development and conservation and states that:

'New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
 - i. height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
- b) Is sympathetic to the setting of any heritage asset and*
- c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) Makes best use of the site to accommodate development.*

Policy CNP7 of the Cuckfield Neighbourhood Plan relates to housing development within the built up area boundary and states:

'Housing development within the Cuckfield built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing outside the designated Cuckfield village centre and Whitemans Green neighbourhood centre where it meets the following criteria:

- a) *The scale, height and form fit unobtrusively with the existing building, or curtilage for new dwellings, and the character of the street scene.*
- b) *Spacing between buildings would respect the character of the street scene.*
- c) *Gaps which provide views out of the village to surrounding countryside are maintained.*
- d) *Materials are compatible with the materials of the existing building.*
- e) *The traditional boundary treatment of an area is retained and, where feasible, reinforced and*
- f) *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*

Principle DG49 states in part that *'extensions should typically use simple, uncomplicated building forms to complement and coordinate with the scale, form and massing of the original dwelling.'*

DG50 relates to side extensions and states in part that *'side extensions should normally be subservient to the original dwelling and typically be set-back from the front of the house to help define the original building.'*

DG51 relates to rear extensions and states that: *'Rear extensions which 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.'*

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 listed building or its setting in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Council's Conservation Officer was consulted on the application and provided a response. Their full comments are on the case file.

They consider that the proposed first floor extensions above the existing flat roofed additions would be harmful to the resulting scale between the additions and the host terrace. Whilst it is acknowledged that there would be an increase in the scale and massing of the property, it is considered that the proposed pitched roofs of the extensions respond appropriately to the original property, with windows that coordinate well with the existing dwelling. They further consider that the first-floor level extension above the northern flat-roofed rear addition would unbalance the symmetry of the façade of the terrace and would create an uncomfortable roof form. In addition, the Conservation Officer considers that the width of the proposed dormers would be harmful to the character and appearance of the terrace. Whilst the dormers are considered to be large in relation to the existing roof form, they would be set down from the ridge and would be partially screened by the proposed first floor extensions, thus reducing their visual impact on the roof form.

The Conservation Officer has identified harm to the non-designated heritage asset at the mid-high level of harm of an asset considered to be a mid-high level of interest in the local context. They have also identified harm to the Conservation Area at the mid-level of less than substantial harm. Finally, with respect to the harm caused, through impact on setting, to the special interest of the adjacent listed buildings, they have placed it within the less than substantial scale in all cases. Whilst it is considered that the proposal complies with policy DP26, it is also considered that the proposal would result in harm to the NDHA, the Conservation Area and the setting of the nearby listed buildings, namely; the grade I listed Holy Trinity Church, the churchyard which contains a number of Grade II listed tombs as well as a Grade II listed lychgate and flanking walls.

Where the harm would be less than substantial, in terms of the NPPF, the criteria set out in paragraph 215 of that document would apply. This states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* This is the balancing exercise that must be undertaken by the decision maker, ensuring that considerable importance and weight is given to the less than substantial harm to the heritage asset that has been identified.

The condition of the existing flats is in decline. The proposal would allow for the refurbishment of the existing six flats. In addition, the provision of an additional two units would provide housing for older residents who are need, hardship or distress. Furthermore, the extension of the existing units would provide increased living space in line with Nationally Described Space Standards, bathrooms for each unit on the same floor as the principal living spaces and would prevent further deterioration of the existing properties. These benefits should each be attributed moderate weight. In addition, the proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would have limited weight.

In view of the above, it is considered that there is a conflict with policy CNP1 of the Neighbourhood Plan and policies DP34 and DP35 of the District Plan. However, it is considered that the reasons outlined above cumulatively would sufficiently outweigh the level of less than substantial harm caused by the proposal and would therefore comply with para 215 the NPPF.

Impact on Residential Amenity

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*...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*'.

To the western side is The Old Clergy House. The proposal would see an increase in the built form towards this neighbour. Whilst it is considered that there would be some impact to the light and outlook of this neighbour, it is considered that the level of harm that would occur would not be significant enough to warrant the refusal of this application. The proposal includes the installation of four windows on the rear (western) elevation on the first-floor extensions. Although this will result in a degree of overlooking to the garden amenity space of this neighbour, it is not considered that the harm caused would be significant enough to warrant the refusal of the application. It is acknowledged that The Old Clergy House has a window at first floor level and ground floor level facing the application property. The window at first floor level, however, relates to a landing area, and at ground floor level relates to a utility. As such, it is not considered that the proposal would give rise to significant overlooking concerns. The concerns regarding the reliance on boundary screening and its inclusion on plans have been noted. However, the MSDC validation criteria does not require that boundary screening is shown and the development is considered acceptable in its own right.

To the northern side is Masons Cottage. The proposal would see an increase in the built form towards this neighbour. As the proposal would be offset from this neighbour by some 4.4 metres and the extension would have a hipped roof which would slope away from these neighbours, it is not considered that the proposal would cause significant harm to the light and outlook of this neighbour. No windows are proposed on the side (northern) elevation so it is not considered that the proposal would give rise to significant overlooking concerns.

The concerns regarding construction are noted. Given the restricted access to the site, a construction management plan is not considered relevant. In order to reduce the potential disturbance to neighbours as a result of the restricted access, it is considered reasonable to restrict the delivery times of commercial goods and commercial waste to the site. This can be secured by a suitably worded condition.

Due to the domestic nature of the proposed development, it is considered that there would not be a harmful impact in terms of noise, air and light pollution.

It is therefore considered that the proposal would not cause significant harm to the amenities of neighbouring properties. The proposal is therefore deemed to accord with the above-mentioned part of policy DP26 of the District Plan.

Impact on future occupants of the development

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1st October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.

The proposal would extend the existing flats and would provide two additional one bed flats. The proposed extensions and additional flats would create internal floor spaces which range between 40 and 48 sqm. The National Dwelling Space Standards requires such dwellings to provide a minimum internal floor area of some 39 sqm and built- in storage of 1 sqm. Officer calculations indicate that the proposal would comply with the required floor space standards and therefore would comply with policy DP27 of the District Plan and the National Dwelling Space Standards.

Impact on parking provision

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

Paragraph 115 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 applications 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; and*
- c) 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.'*

Paragraph 116 of the NPPF is relevant in respect of transport matters and 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.'*

The concerns regarding parking are acknowledged. The proposal would result in a nil car parking provision. The Highways Authority has considered the proposal and raise no objection. They consider that the addition of two one-bedroom flats would not be anticipated to give rise to a significant material increase in movements on the local highway network. As such they conclude that the proposal would not result in 'severe' cumulative impacts on the operation of the highway network. It is acknowledged that the site is within a sustainable location close to the village centre and a bus stop. It is therefore considered that the flats being car free would be acceptable.

Consequently, the proposal is considered acceptable on highway safety and transport grounds, and complies with policy DP21 of the District Plan, and para 116 of the NPPF.

Trees

Policy DP37 of the District Plan states in part that 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.'*

A total of four trees, one group of trees, and two hedges are in proximity of the proposal.

The concerns regarding a failure to identify a key boundary hedge affecting the proposal are noted. During the course of the application an Arboricultural Impact Assessment was submitted which identifies this as H1. The Tree Officer has reviewed the AIA and has not raised concerns regarding the pressure from die-back, pruning or wholesale loss of this hedge. In addition, the concerns regarding T.1 at Masons Cottage to the north of the site are noted. The proposal does not mention removal of this tree but instead proposes pruning to raise branches over the

access to allow for construction vehicles. Should an application be submitted for these works, it would likely be approved. Furthermore, the concerns regarding the accuracy of the AIA are also noted. The Arboricultural Consultant can only consider the tree/ hedge condition and location at the time of the site visit. Annotations cannot account for previously pruned trees or hedges and, therefore, vegetation previously removed wouldn't be included on the annotations on the submitted Tree Survey, Constraints and Protection Plan.

The Arboricultural Impact Assessment which accompanies the application sets out that the limited access available for construction activities would result in potential encroachment upon trees and hedges located both onsite and on adjacent properties near the site boundaries. The Council's Tree Officer has considered the proposal and raises no objection.

The proposal is thereby considered to comply with policy DP37 of the District Plan.

Sustainability

Policy DP21 of the District Plan relates to transport and requires schemes to be '*sustainably located to minimise the need for travel*' and take '*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*'. In addition it requires where '*practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*'

In addition, policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

Paragraph 161 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

The submitted Design and Access Statement makes reference to sustainability and energy saving measures. This sets out that the proposal would incorporate the following: high standards of roof wall and floor insulation, water efficient fixtures and fittings and thermally efficient new windows and doors within the extension.

The proposal would be a car-free development which would seek to reduce carbon emissions. Plans show that the proposal would provide cycle storage to the side of the dwelling within the communal outbuilding.

The proposal is thereby considered to comply with Policies DP21 and DP39 of the District Plan.

Ecology

DP38 of the MSDC relates to biodiversity and states in part that biodiversity will be protected and enhanced by ensuring that development '*protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances)*'

The Council's Ecology Consultant has been consulted on the application and have provided a response. They have raised no objection to the proposal, subject to conditions. The conditions requiring a

Biodiversity Enhancement Layout, a lighting design strategy and the condition requiring a bat license are considered reasonable as these are mitigation measures which would avoid and reduce disturbance to bats, which are a Priority species. In addition, the concerns regarding the inaccuracies of the PEA are noted. Nature Space were consulted on the application and have raised no objection.

The proposal is therefore considered to comply with DP38 of the District Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10 per cent increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless -

(a) A biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and

(b) The planning authority has approved the plan (see paragraph 15)'

The application form confirms that BNG is required for the proposed development.

The application is accompanied by a Biodiversity Net Gain Assessment and a Small Sites Metric. The Council's Ecology Consultant has considered the proposal and advises that there is sufficient ecological information available to support determination of this application.

Other matters

The concerns regarding surface water runoff are noted. Southern Water were consulted on the application and have not raised an objection. The concerns regarding application material errors and inconsistencies are acknowledged. A site visit was conducted as part of the application. It was considered that the plans accurately reflect the building and surroundings. We are required to assess the application as submitted. Any approved plans in the application would be scaled drawings, whilst 3D imaging would not be listed. A revised block plan has been submitted during the course of the application which outlines the location of bin storage in the communal outbuilding.

PLANNING BALANCE AND CONCLUSION

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 Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Cuckfield Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP5, DP6, DP21, DP26, DP27, DP28, DP29, DP38 and DP39.

Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP34 and DP35 of the District Plan in respect of dwelling space standards, conservation areas and heritage assets.

As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

Weighing against the proposal, the development would result in mid-high level of harm to the NDHA and less than substantial harm to the Cuckfield Conservation Area and the setting of nearby listed buildings. When judged against policies relating to conservation areas, heritage assets and space standards, the development proposed would conflict with policies DP34 and DP35.

Weighing in favour of the scheme is that the development will provide 2 no. additional residential units where an existing residential use exists within the settlement boundary of a Category 2 settlement as defined by the District Plan. The proposal is also considered to provide benefits through the refurbishment of the existing properties for residents who are in need, hardship or distress. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community.

The proposal is considered to have a neutral impact in respect to a number of issues such as neighbouring amenity, highways, ecology and sustainability.

In weighing up these issues, when taken together, it is considered that the adverse impacts of the development would not significantly and demonstrably outweigh the benefits of the proposal.

Overall, the planning balance is considered to fall in favour of granting planning permission.

Decision: Permission

Case Officer: Catherine Cardin