

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2976	Case Officer:	Joanne Fisher
Application Type:	Full Application		
Proposal:	Erection of boundary wall to rear of building and revised fenestration to rear elevation.		
Site:	Devonshire House, High Street, Handcross, Haywards Heath, West Sussex, RH17 6BJ, ,		
Validation Date	5 Dec 2024	Overall Expiry Date:	10 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Jan 2025
Target Date:	30 Jan 2025	Recommending Officer Signature:	Joanne Fisher

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	Steven King	Date:	23 Jan 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2976

**Devonshire House, High Street, Handcross, Haywards Heath, West Sussex, RH17 6BJ,
Erection of boundary wall to rear of building and revised fenestration to rear elevation.
Mr Simon Elliott**

SUMMARY OF REPRESENTATIONS

2 letters of comments concerning the following:

- Unable to view plans and details;
- Plan does not show position of the proposed boundary wall and the access to the gable of 1 The Forge and the existing fence for maintenance and repair.

SUMMARY OF CONSULTEES

None.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

Permission is sought for the erection of a boundary wall to the rear of building and revised fenestration to the rear elevation.

RELEVANT PLANNING HISTORY

12/03383/FUL: Part conversion of existing office building into 2 storey dwelling. APPROVED.

12/03385/FUL: Part conversion of existing office building into Tea Rooms. APPROVED.

DM/17/2058 - Change of Use from A3 to Residential. APPROVED.

DM/23/2634 - Change of use from existing two storey office to a 3 bedroom residential accommodation, with addition of a new bay window at rear and new doors at side elevations. WITHDRAWN.

SITE AND SURROUNDINGS

The site comprises of a two storey semi-detached building that is currently vacant. It was originally built as two semi-detached cottages, with the site being heavily extended to the side and rear over two stories, together with a narrow single storey extension further rearwards.

An access road runs along the northern (side) of the application site with the residential dwellinghouse Lynwood beyond. This neighbour has a low wall with fencing above measuring a maximum of some 2.7 metres in height to part of their side boundary with the access. The property is attached on the southern (side) boundary to Devonshire Cottage, 1A Windmill Platt.

To the eastern (front) is a front garden with railings onto the High Street and Chodd's Farmhouse opposite, to the western (rear) of the site is an existing area of hardstanding, leading onto 1 The Forge, Windmill Platt.

The application site lies within the built up area boundary of Handcross, and also is within the Handcross Conservation Area and the High Weald Area of Outstanding Natural Beauty (HWAONB) as defined in the District and Neighbourhood Plans.

APPLICATION DETAILS

Permission is sought for the erection of a boundary wall to the rear of the building and revised fenestration to the rear elevation.

It is proposed to enclose part of the existing open area of courtyard and hardstanding to the rear of the building which is adjacent to an access drive with a 1.8 metre high brick wall with grey brick capping to the top. This would be set in by some 0.2 metres from the side wall of the dwelling and measure some 6.98 metres in length and some 4.77 metres in width. It would provide an enclosed private courtyard to the rear of the building. The remainder of the land beyond this wall would be retained as an area of hardstanding for car parking. To the rear wall there would be a timber gate to provide access between the courtyard and parking area.

External changes to the building are also proposed comprising of the removal of the rear external staircase; the door and window at first floor serving the external stair case to be replaced with a new grey painted timber window and infill brickwork to match the existing building; and the existing large window to the rear elevation to be replaced with grey painted timber framed doors.

During the course of the application updated plans and details have been provided in respect of the brick and stone capping for the wall. The wall would be constructed in Michelmersh Freshfield Lane High Quality Selected Dark Brick with a slate smooth brick with half round capping profile.

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) 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 Slaugham 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:

DP16 - High Weald Area of Outstanding Natural Beauty
DP26 - Character and Design
DP35 - Conservation Areas.

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.

Neighbourhood Plan

The Slaugham Neighbourhood Plan was made in September 2019.

Relevant policies:

Policy 1 - Protecting the Area of Outstanding Natural Beauty
Policy 4 - Conservation Areas

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

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 the majority of 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:

DPC4 - High Weald Area of Outstanding Natural Beauty
DPB1 - Character and Design
DPB3 - Conservation Areas

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 Area of Outstanding Natural Beauty Management Plan 2024-2029

The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CROW 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'.

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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.

ASSESSMENT

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

- Design and Impact on character of the area and the HWAONB;
- Impact on Handcross Conservation Area;
- Impact on residential amenities; and
- Biodiversity Net Gain.

Design and Impact on character of the area and the HWAONB

The site lies within the built up area of Handcross as well as the High Weald Area of Outstanding Natural Beauty (HWAONB). The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CROW 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*'. The Levelling-up and Regeneration Act (2023) amended section 85 of the CROW Act, to create a new duty on relevant authorities to '*seek to further the purpose of conserving and enhancing the natural beauty of the area*' when discharging their functions in AONBs'. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Policy DP16 of the District Plan relates to the High Weald AONB and requires proposals to 'conserve or enhance natural beauty'.

Policy 1 of the Neighbourhood Plan sets out in part that '*Development proposals within the High Weald AONB will only be supported where they conserve or enhance natural beauty and have regard to the High Weald AONB Management Plan.*'

Paragraph 189 of the NPPF is also relevant. This states:

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

In terms of design, Policy DP26 of the District Plan relates to character and design considerations and states in part:

'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:

- 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;...'*

The changes to the fenestration and the removal of the external staircase are to the rear of the building. The rear is open to the existing access which serves the rear parking area for this building and also leads to the two dwellings set to the rear. It is considered that the removal of the staircase would result in an improvement to the character and design of the building and would be in keeping with the surrounding properties which have first floor windows not doors and there are no other rear external staircases. In addition, the change from the ground floor rear window to patio doors would be sensitive to the character of the building through using an additional opening and materials of painted timber to match the existing fenestration. It is considered that these changes would be sensitive to the character of the area and the surrounding dwellings.

In respect of the wall which is to enclose part of the existing area of hardstanding, this would be set in from the side elevation of the dwelling and adjacent to the access road. Glimpses of this would be gained from the High Street, however, this would be seen in association with the side elevation of the dwelling and due to it being set back from the road would not result in significant detriment to the character of the area or the street scene. It is acknowledged that the side boundary to Lynwood which faces onto the access benefits from a low brick wall with fencing above which exceeds in places 1.8 metres in height. The proposed walling would be seen in the context of this adjacent boundary and also the boundary treatments of fencing to the rear gardens of properties of 'The Forge' which are a terrace of bungalows which back onto the access road.

Due to the context of the site within the built up area of Handcross with surrounding properties and various boundary treatments it is considered that the proposal is acceptable to the character and design of the building and also to the area. The proposal would conserve this part of the High Weald AONB.

The proposal thereby complies with policies DP16 and DP26 of the District Plan, policy 1 of the Neighbourhood Plan and the requirements of the NPPF.

Impact on Handcross Conservation Area

S.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Policy DP35 of the District Plan relates to Conservation Areas. In part it requires developments to *'protect the setting of the conservation area and in particular views into and out of the area.'*

Policy 4 of the Neighbourhood Plan requires proposals within Conservation Areas to *'conserve or enhance the character or appearance of the Conversation Area concerned'*.

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.

Paras 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.'

Whilst glimpses of the boundary wall would be gained from the High Street, it would be set back from the main highway by some 15 metres to the rear elevation and would be seen in association with the existing building, neighbouring properties and boundary treatments. It is considered that due to the position and height of the walling as well as relationship with the building and neighbouring wall and fencing, that the proposal would not result in any greater visual prominence from public viewpoints. The proposed alterations to the external fenestration would use materials to match the existing windows and doors of painted grey timber so would be in keeping with the existing appearance to the building. In addition the removal of the external staircase would result in an improvement to the external appearance of the building. As such it is considered that the proposals would result in a neutral impact to the character of the Handcross Conservation Area.

The proposal is thereby considered to comply with policy DP35 of the District Plan, policy 4 of the Neighbourhood Plan and the relevant paragraphs of the NPPF.

Impact on residential amenities

Policy DP26 of the District Plan requires developments to demonstrate that it does not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook.

Due to the position and height of the walling and the relationship with the neighbouring properties as well as the changes to the existing fenestration, it is considered that of the proposal would not result in significant detriment to the amenities of neighbouring properties through an overbearing nature, loss of light or a loss of privacy.

The proposal is thereby deemed to comply with Policy DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

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 comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

Other matters

The comments from interested parties are noted. However, the plans have been available to view on the online planning register and the proposed plans submitted show the location of the new brick boundary wall which is also marked on the location plan. The wall is to provide an internal courtyard and would not extend to the rear boundary with 1 The Forge, Windmill Platt.

The application under consideration solely relates to the erection of a boundary wall to the rear of the building and revised fenestration to rear the elevation. The application forms sets out that the existing use is an office. If the building were to be converted to a dwelling a planning application would need to be submitted for full consideration. An informative could be placed on an approval to make the applicant aware of this.

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 Slaugham Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

It is considered that the proposals would be sensitive to the character of building and the area, result in a neutral impact to the character of the Handcross Conservation Area and would conserve this part of the High Weald AONB. In addition due to the location of the proposal and relationship with surrounding properties it would not be overbearing nature or cause a loss of light or a loss of privacy.

The proposal thereby complies with policies DP16, DP26 and DP25 of the District Plan, policies 1 and 4 of the Neighbourhood Plan, the High Weald Area of Outstanding Natural Beauty Management Plan and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Joanne Fisher

