

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2261	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Part retrospective application for a proposed incidental outbuilding		
Site:	Birchwood, Slaugham Lane, Warninglid, Haywards Heath, West Sussex, RH17 5TH, ,		
Validation Date	15 Sep 2025	Overall Expiry Date:	6 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	14 Nov 2025
Target Date:	10 Nov 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	<i>Steven King</i>	Date:	14 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2261

**Birchwood, Slaugham Lane, Warninglid, Haywards Heath, West Sussex, RH17 5TH,
Part retrospective application for a proposed incidental outbuilding
Mr L Baxter**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

None received.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No objection.

INTRODUCTION

The application seeks part retrospective planning permission for an outbuilding.

RELEVANT PLANNING HISTORY

14/02942/FUL - Proposed detached house and garage, together with parking/turning area. Permission 13.10.2014.

DM/16/3961 - Erection of a detached 4 bedroom family dwelling, double garage and off road parking. (Amended application relating to previous planning permission, ref: 14/02942/FUL) (Amended plans received 15 December 2016). Permission 10.02.2017.

DM/24/0720 - Proposed out building (gym), incidental to dwelling. Amended plans received 07.06.2024 showing revised position of out building and amended design. Permission 15.07.25.

SITE AND SURROUNDINGS

Birchwood is a modern detached house located on the western side of Slaugham Lane, just outside the built up area boundary of Warninglid. The dwellinghouse benefits from an attached double garage to the north, with off road parking for approximately 3 cars and is sited at an elevated position to the road. The main garden area lies to the southern side of the dwellinghouse with established hedging lining the perimeter of the property.

A large field adjoins the property to the west. A grade II listed property at Rose Cottage adjoins the site to the south. Land levels rise to the south.

In terms of planning policy, the site lies within the countryside and the High Weald Area of Outstanding Natural Beauty. Warninglid conservation area lies approximately 45 metres to the southern boundary of the property. The site also lies within an area where there is suitable habitat for, and a high risk of, Great Crested Newts.

APPLICATION DETAILS

The proposal seeks part retrospective permission for an outbuilding originally developed under DM/24/0720 which specifically related to a gym outbuilding. The outbuilding has since been developed

but accommodates an activity room and is therefore not in accordance with the previous description of development. Internally, a new toilet would be added.

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 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:

DP12: Protection and Enhancement of the Countryside

DP16: High Weald Area of Outstanding Natural Beauty

DP26: Character and Design

DP34: Listed Buildings and Other Heritage Assets

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

Slaugham Neighbourhood Plan (Made September 2019)

Relevant Policies:

Policy 1 - Protecting the Area of Outstanding Natural Beauty

Other Legislation

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 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
DPB2 - Listed Buildings and Other Heritage Assets
DPC1 - Protection and Enhancement of the Countryside
DPC4 - High Weald Area of Outstanding Natural Beauty
DPT4 - Parking and Electric Vehicle Charging Infrastructure

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 National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 131, 135, 139, 189, 207, 208, 209, 210, 212-215, 216, 219 & 220.

High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029

ASSESSMENT

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

- Impact on Design and Character, Including Heritage Assets
- Protection, Conservation and Enhancement of the High Weald AONB and Countryside
- Impact on Neighbouring Amenities
- Other Matters
- Biodiversity Net Gain

Impact on Design and Character, Including Heritage Assets

With regard to the setting of the listed building, policy 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.'*

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.'*

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 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.'

Paragraph 216 of the NPPF notes:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

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 proposal does not include any external alterations from the previously consented scheme and solely relates to proposed internal use. The proposed use as a games room is considered to be incidental to the main dwelling on site and would not constitute a new development taken in isolation.

Accordingly, the proposal is considered to result in an acceptable impact on the setting of the nearby listed building as well as the character and appearance of the area. The proposal is therefore considered to comply with Policies DP26 and DP34 of the District Plan, the relevant paragraphs of the NPPF and the statutory duties as set out within the Listed Buildings and Conservation Areas Act.

Protection, Conservation and Enhancement of the High Weald AONB and Countryside

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 requires proposals in the AONB to conserve or enhance natural beauty.

Paragraph 189 of the NPPF is also relevant as it states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes 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 66. 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.'

Footnote 66: English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

Policy 1 of the Slaugham Neighbourhood plan states 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 in particular

- 1. The identified landscape features or components of landscape beauty and to their setting;*
 - 2. The traditional interaction of people with nature and appropriate landscape management;*
 - 3. Character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
- and*
- 4. The conservation of wildlife and cultural heritage.'*

With regard to development within the countryside, Policy DP12 of the District Plan states that:

'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:

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

In this instance, the proposal is considered to conserve the landscape quality of the AONB due to it being viewed within the existing established residential curtilage. Furthermore, the proposal would be set within an established residential curtilage in the countryside. It is therefore considered that the proposal would protect the intrinsic character and beauty of the countryside.

As such, the proposal would comply with the requirements of Policies DP12 and DP16 of the District Plan, Policy 1 of the Slaugham Neighbourhood Plan, all the requirements of the High Weald Management Plan and the NPPF.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that development: *'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see DP29);'*

There would be no external alterations are proposed as part of the development proposal. Accordingly, it is not considered that the proposed outbuilding would result in significant harm towards neighbouring amenities.

Other Matters

A key element which contributes towards the acceptability of an annexe is that there should be a functional relationship with the primary use of the planning unit. However, as established within the Uttlesford DC v SSE & White [1992] JLP 171, even if the accommodation provides facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree.

It is considered that the proposed outbuilding would share an access with the host dwelling and that the site does not lend itself to subdivision. The activity room is considered to be of an incidental use towards the main dwelling and as such a condition ensuring the outbuilding remains ancillary is not considered to be necessary in the instance that planning permission is granted. It is also noted that the previous permission under DM/24/0720 did not append such a condition.

Therefore, as established the proposal would not constitute a separate unit on site and would be used as ancillary to the host dwelling.

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 appropriate in terms of design and will not negatively impact on the host dwelling nor its immediate setting and will not harm neighbouring amenities.

The proposal will comply with Policies DP12, DP16, DP26 and DP34 of the District Plan, Policy 1 of the Slaughtam Neighbourhood Plan, the MSDC Design Guide and the requirements of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas