

From: Andrew Clarke
Sent: 09 May 2025 15:34:35 UTC+01:00
To: "Michael Breen" <info@breenplanning.co.uk>
Subject: RE: DM/25/0886 South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW
Attachments: EOT.pdf

Hi Michael,

Thanks for the email and info. I think given the info in your email the description of the application should be amended to read '*Retrospective planning application for the partial change of use of land to residential **garden***' (rather than paddock). Would you be agreeable to this as I'm not sure we can determine the application in its current form. This would extend the determination period for the application as it will require readvertisement so I have attached an Extension of Time request for further 21 days until 16th June. I'd be grateful for your agreement to this.

In respect of the Planning Statement, no I don't appear to have a copy of this. Can this be provided asap please so I can include with the re-advertisement.

Kind regards

Andy Clarke BSc (Econ), PGDip
Senior Planning Officer
Planning Investigation and Enforcement
Mid Sussex District Council, Oaklands Road
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Tel: +44 (0)1444 477332
Andrew.Clarke@midsussex.gov.uk <http://www.midsussex.gov.uk>

Working together for a better Mid Sussex



From: Michael Breen <info@breenplanning.co.uk>
Sent: 09 May 2025 13:13
To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Subject: RE: DM/25/0886 South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW

Hi Andrew,

Yes the proposal we are applying for would be classed as a change of use to residential garden space (the applicant is happy to adhere to any reasonable planning conditions restricting development on the land as the primary intention is to maintain the existing garden room which you are aware of).

The report we were referencing is just the Planning Statement, was this not received with the application?

Kind regards,

Michael Breen MPlan

Breen Planning , Director | Planning Consultant



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From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Sent: 08 May 2025 16:13

To: Michael Breen <info@breenplanning.co.uk>

Subject: RE: DM/25/0886 South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW

Hi Michael,

Further to my email below, are you able to respond to the points raised please? The description of the development has been raised in a few representations received and this will need to be addressed in the determination of the application.

I look forward to hearing from you.

Kind regards

Andy Clarke BSc (Econ), PGDip
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From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Sent: 24 April 2025 16:49
To: 'Michael Breen' <info@breenplanning.co.uk>
Subject: RE: DM/25/0886 South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW

Thanks Michael. I note your comments, however, am unsure that the use you're applying for a) realistically exists in planning law b) actually reflects the use taking place at the moment.

From the Council's pov, the lawful use of the land is agriculture or potentially as a paddock in association with the dwellinghouse. Neither of the potentially lawful uses would permit the use of the as garden with residential paraphernalia and the like for more than 28 days a year (the Part 4 PD allowance) and this is the use, in the opinion of the Council, which is taking place at the current time. Should you clients wish to continue to use the land as garden then they would need to apply for change of use to residential garden. The Council would then consider this on its own merits and should we choose to grant planning permission consider the imposition of condition restricting (for instance) permitted development rights under Part 1. If you have any examples where '*residential paddock*' has been assessed as a use or granted planning permission it would be useful to see them.

You also make reference to a report but I don't appear to have a copy of this. Can you provide it please? I'd also appreciate your comments regarding the proposed means of enclosure to delineate the use should planning permission.

Please let me know should you wish to discuss the matter further.

Kind regards

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From: Michael Breen
Sent: 24 April 2025 13:34
To: Andrew Clarke
Subject: RE: DM/25/0886 South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW

Hi Andrew,

The intended use would be to have it as an extended garden space, I have come across this before where they have been defined as a paddock area.

Ideally we would like it to have the full change of use to residential but felt that this would be too strong thus opting to class it as a residential paddock, an extension of the existing garden without full commitment. As detailed within the report however if you feel that applying for a change of use to residential is appropriate then we can go with that, the applicant is happy to adhere to any reasonable planning conditions to restrict future development on the land as the primary intention is to retain the existing garden room on the site as you are aware

Kind regards,

Michael Breen MPlan

Breen Planning , Director | Planning Consultant



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From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Sent: 23 April 2025 13:36

To: Michael Breen <info@breenplanning.co.uk>

Subject: RE: DM/25/0886 South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW

Dear Michael,

I hope you're well. I have now received application DM/25/0886 and having reviewed the file note there does not appear to be any planning or supporting statement included. Such a statement would be useful in assessing the merits of the development and understanding exactly what the application seeks permission for. I note the description refers to '*residential paddock*', however, I am unclear exactly what this use is or includes. From the Council's pov, the lawful use of the land is agricultural or potentially ancillary paddock, but that the current (proposed) use would be as residential garden. The description '*residential paddock*' would seem to combine both and could not, in theory, be either. I'd be grateful for clarification as to the exact intent of the application and the use you are seeking.

I also note the location plan only seeks a partial change of use of the land. Can you confirm how this boundary might be delineated and your intentions for the remaining areas of land which, in the opinion of the Council, have undergone an unauthorised change of use?

I look forward to hearing from you.

Kind regards

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From: Michael Breen <info@breenplanning.co.uk>

Sent: 28 February 2025 11:27

To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

Hi Andrew hope you are well,

I have discussed with the clients and the agreed approach is to go for a partial change of use of the land plot to residential garden space, to ensure compliance with planning policy the applicants will only be proposing to integrate a short section of the field into a residential "paddock" area , where the garden room sits.

They are open to any conditions restricting future build on the land but the main thing is to do what we can to retain the structure in a way which preserves the principle of development.

We will lodge this application next week, we would like to request of the current applications decision could remain on hold which the new application goes in as we believe that if the partial change of use of the land is acceptable then the pending application would be deemed acceptable.

Withdrawing this application will eat into the clients costs as they would then need to reapply and I believe council fees are set to increase very soon by a significant margin so it is much appreciated if this one can remain in the system while the new application gets accessed

Kind regards,

Michael Breen MPlan

Breen Planning , Director | Planning Consultant



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From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Sent: 30 January 2025 18:12
To: Michael Breen <info@breenplanning.co.uk>
Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

Dear Michael,

Thanks for the email. Yes that's fine. Happy to extend the informal deadline until 7th Feb.

For your information I have made another site visit and remain of the opinion that the wider parcel of land upon which the building remains in unauthorised use as garden in association with the dwellinghouse. I noted the presence of play equipment, stationing of containers, BBQ's and other residential paraphernalia which whilst not operational development themselves would indicate and contribute to the change of use of the land which, as previously noted, would be considered unauthorised and unacceptable in planning terms.

Therefore subject to your clients intentions I will likely write to them (and will copy you in) during w/c 10th Feb to confirm the Council's position on the COU and the options open to them.

Kind regards

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From: Michael Breen <info@breenplanning.co.uk>

Sent: 29 January 2025 15:49

To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

Hi Andrew hope you are well,

I have been engaging with the applicants on this scheme and will get you confirmation on how we intend to proceed next week.

May I please request for there to be a hold placed on this until I confirm

Kind regards,

Michael Breen MPlan

Breen Planning , Director I Planning Consultant



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From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Sent: 16 January 2025 12:51

To: Michael Breen <info@breenplanning.co.uk>

Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

Dear Michael.

Thank you for your time this morning. I've summarised the main position of the Council on the outstanding matters below.

WRT application DM/22/3875 as previously advised I am not in a position to determine the application as the description refers to the '*retention of domestic garden room on agricultural land*'. The land upon which the building is located, whilst lawfully can be used for agricultural or as a paddock, is, in the opinion of the Council being used unlawfully as residential garden (see below). As such the grant of planning permission for such a building and use would perpetuate an unauthorised use to which the Council objects. The Council does not object to the design, scale and siting of the building, solely its use and therefore would suggest the following courses of action open to your client.

- i) Withdraw the current application pending a resolution to the unauthorised change of use. An application for the retention of the building for purposes ancillary to the lawful use could then be submitted at a later date.
- ii) The Council may choose to make the application 'invalid' on the basis of the description, however, after further consideration of this option this may be unlikely as the description may be technically correct, but the development described may be considered unacceptable.
- iii) Following on from the above, if the application is determined it is likely to be recommended refusal on the basis of the use of the building and the unauthorised change of use of the land and the harm this is considered to cause to the National Landscape of the HWAONB and the setting of the listed building at Tyes Place.

With respect to option i) (the Council's preferred option) and the possibility of obtaining a 'free go' on any application and waiving of the application fee I do not think this can apply in this instance. As noted the 'free go' concession was removed in 2023 with the following exemptions remaining:

An application that is the first and only revision of a previous application of the same type, for development of the same character or description, on the same site (or part of that site), by the same applicant where it will be received by the Local Authority within 12 months of:

- *the Local Authority receiving the previous application if it was withdrawn; or*
 - *the previous application being granted or refused; or*
 - *the determination period of the previous application expiring, where that application was validated, not determined, and then appealed on the grounds of non-determination;*
- and, in all cases, where that relevant 12-month period started no later than 5 December 2023.***

I have highlighted the final sentence in bold as I believe it applies here and that for a 'free go' to be permissible that any revised application would have to have been submitted by 5th December 2024.

I'd therefore be grateful if you could confirm your position and intention regarding the above application by 27th January 2025.

With respect to the wider change of use of the land, I will undertake another site visit to establish the current situation and whether a breach of planning control remains. If the breach of planning control remains it is likely to be considered expedient to pursue but the Council will provide a period of time for any voluntary cessation and following the visit (likely to be made in the next 14 days) will outline the steps considered necessary for any breach to be ceased.

I hope the above assists but should you have any queries please do let me know.

Kind regards

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From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Sent: 10 January 2025 15:54

To: Michael Breen <info@breenplanning.co.uk>

Cc: Kerstin Bowers <bowerskerstin@gmail.com>; Jonathan Bickerdike <jonbick37@gmail.com>

Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

Dear Michael,

I refer to the above outstanding matter. Please accept my sincere apologies for delay in addressing this matter and the correspondence below.

On the presumption you remain retained to act on behalf of the applicants can we please arrange a time to discuss the matter and the options? For confirmation the principle of the use of the land for residential purposes (and therefore a building used in association with this unauthorised use) remains unacceptable to the Council, although the Council does not have an objection to the stand alone design, scale and siting of the building itself.

It would therefore remain my suggestion that the application be withdrawn so that the wider unauthorised use can be assessed (and in the opinion of the Council ceased) and should this take place, to thereafter apply for the retention of the building as ancillary to the lawful use agricultural use. Whilst I note your suggestion of the imposition of a condition restricting the use of the building (presumably restricting it to none residential uses) this would not be lawful on planning grounds based on the description of the application seeking the retention of a '*domestic building*' (the condition would therefore be contradictory to the planning permission) and that whilst the use of the wider land remains unauthorised, there would not be any current or lawful use to attach the use of the building to. The wider use of the land therefore needs to be addressed and resolved before the retention of the building is considered.

I'd be grateful if you could confirm a time and date within the next 14 days to discuss the matter

I look forward to hearing from you.

Kind regards

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From: Michael Breen <info@breenplanning.co.uk>
Sent: 10 January 2024 15:02
To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Cc: Kerstin Bowers <bowerskerstin@gmail.com>; Jonathan Bickerdike <jonbick37@gmail.com>
Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

Hi Andrew hope you are well,

Just checking in with you to get a catch up on this scheme.

I am wondering if we can have a chat to catch up about it to establish any possible solutions

Kind regards,

Michael Breen MPlan

Breen Planning , Director | Planning Consultant



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From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Sent: Monday, December 11, 2023 11:58 AM
To: Michael Breen <info@breenplanning.co.uk>
Cc: Kerstin Bowers <bowerskerstin@gmail.com>; Jonathan Bickerdike <jonbick37@gmail.com>
Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

Dear Michael,

Thanks for the email. Whilst I note your comments and queries, the issue lies with the description of the application being incorrect. Additionally the land upon which the building is sited is being used as residential garden (it is no longer agricultural) without planning permission and that such a use would not be supported by the LPA. Therefore the current application could not be supported as it reaffirms

and establishes an unauthorised use which is contrary to planning policy and harmful to the character and appearance of the Area of Outstanding Natural Beauty and the setting of a listed building.

Perhaps a discussion to outline the Council's concerns and options would be helpful? I could do 12th December (AM) or 13th December (PM) if you want to let me know a time which suits?

Kind regards

Andy Clarke BSc (Econ), PGDip
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From: Michael Breen <info@breenplanning.co.uk>
Sent: Tuesday, November 28, 2023 10:19 AM
To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Cc: Kerstin Bowers <bowerskerstin@gmail.com>; Jonathan Bickerdike <jonbick37@gmail.com>
Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

Hi Andrew hope you are well and thank you for the detailed email,

The applicants would like for the current case to complete its assessment and for a planning decision to be issued so that further options can be reviewed on receipt of a planning decision and decision notice.

It is helpful to hear that no significant issues have been raised with the unit's scale, design, and siting against National and Local Planning Policies. The primary issue appears to relate to the potential use of the unit for residential purposes. The applicants are therefore inclined to highlight the unit's agricultural purpose. It has been in use as a Bird Watching unit and the applicant site may host livestock or horses in

the future and the existing unit could be ancillary to this. On this rationale, we would believe that no change of use to residential would be required with the application purely relating to the retention of the unit. This could be accountable through the provision of planning conditions restricting its use if required. Would this approach require a new planning application or is this something that we can confirm as part of the current assessment?

Kind regards,

Michael Breen MPlan

Breen Planning , Director | Planning Consultant



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From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Sent: Friday, November 24, 2023 3:40 PM

To: Michael Breen <info@breenplanning.co.uk>

Cc: Kerstin Bowers <bowerskerstin@gmail.com>; Jonathan Bickerdike <jonbick37@gmail.com>

Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

Dear Michael,

Thank you for the email and apologies for providing this update. Following my site visit on 17th October where I was able to observe the whole site I have been reviewing the matter and obtain the relevant comments and would advise the following.

The current application seeks permission for the '*Retention of domestic garden room on agricultural land to north-west of South Meadow*'. The land upon which the room is sited is considered to be outside of the historic residential curtilage of the property, but note that the land on which it is now placed appears to have undergone a change of use from agriculture / paddock to domestic residential garden. As such the description would appear to be incorrect and that planning permission would also be required for the change of use of the land upon which the building is sited. As such at the current time the application would appear to be invalid in its description and cannot be determined.

In respect of the wider change of use, the Council would have concerns regarding this unauthorised development. Policy DP12 of the District Plan states that *'The countryside will be protected in recognition of its intrinsic character and beauty.'* and will be permitted *'provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:*

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

Policy DP16 of the plan relates to Areas of Outstanding Natural Beauty and states that development must *'conserve or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;*

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;'*

The land is also within the setting of the Listed Building at Tyes Place and that settings of Listed Buildings and their historical context and importance must be protected in accordance with policy DP34 of the District Plan.

A similar ethos is found in the Ansty, Staplefield and Brook Street Neighbourhood Plan.

Whilst the contained nature of the land is noted and that no other operational development has taken place upon the land, the property at South Meadow Cottage already benefits from a garden and the land is partially visible from a public right of way and the listed building such that the principle of the change of use of the land is considered unacceptable in respect of its impact upon the character and appearance of the countryside and Area of Outstanding Natural Beauty and its less than substantial impact upon listed building at Tyes Place. As such it is unlikely an application to regularise the use, and therefore the siting of the building would be supported. It is worth noting that no objection is necessarily raised to the siting within the field of the building or its design, but that as it lies outside the residential curtilage that it is likely to be supported at the current time.

There would therefore seem to be a number of options for your clients:

- Withdraw the current application DM/22/3875 to enable the wider matters to be addressed.
- Submit a s.73a application for the regularisation of the change of use including the erection of the building (noting that my informal opinion is that this application is likely to be refused)
- Cease the residential garden use of the land and remove the residential domestic items.

Should there not be a cessation of the unauthorised use of the land, then it is likely to be considered expedient to pursue the breach of planning control through the issue of an Enforcement Notice requiring the breach(es) to cease. Your clients would have a right to appeal this Notice.

Whilst I appreciate this matter has been ongoing for sometime, the identified breaches make the Council unable to determine the current application and therefore I'd be grateful for your comments and the intentions of your clients within the next 14 days (by 8th December).

Should you wish to discuss the matter do please contact me on the number below.

Kind regards

Andy Clarke BSc (Econ), PGDip
Senior Planning Officer
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Tel: +44 (0)1444 477332
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From: Michael Breen <info@breenplanning.co.uk>
Sent: Thursday, November 16, 2023 3:04 PM
To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Cc: Kerstin Bowers <bowerskerstin@gmail.com>; Jonathan Bickerdike <jonbick37@gmail.com>
Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

Hi Andrew hope you are well,

Just sending a quick email to establish any progression with this case.

Please do not hesitate to let me know if any further info is required.

Kind regards,

Michael Breen MPlan

Breen Planning , Director | Planning Consultant



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From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Sent: Tuesday, October 10, 2023 8:42 AM

To: Michael Breen <info@breenplanning.co.uk>

Cc: Kerstin Bowers <bowerskerstin@gmail.com>; Jonathan Bickerdike <jonbick37@gmail.com>

Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

Dear Michael,

Thanks for the email. 11.30am next Monday would seem good so please let me know if there are any arrangements I need to know about.

Kind regards

Andy Clarke BSc (Econ), PGDip
Senior Planning Officer
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From: Michael Breen <info@breenplanning.co.uk>
Sent: 09 October 2023 19:21
To: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>
Cc: Kerstin Bowers <bowerskerstin@gmail.com>; Jonathan Bickerdike <jonbick37@gmail.com>
Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

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Hi Andy – good to get speaking with you this morning.

Monday the 16th around 11:30-1 seems to be a good slot if possible. I won't be around as I am based in Belfast but look forward to catching up with you further to your site visit.

If you need anything else in the meantime feel free to let me know.

Kind regards,

Michael Breen MPlan

Breen Planning , Director I Planning Consultant



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From: Andrew Clarke <Andrew.Clarke@midsussex.gov.uk>

Sent: Monday, October 9, 2023 6:01 PM

To: Michael Breen <info@breenplanning.co.uk>

Cc: Kerstin Bowers <bowerskerstin@gmail.com>; Jonathan Bickerdike <jonbick37@gmail.com>

Subject: RE: South Meadow Cottage Brantridge Lane Staplefield Haywards Heath West Sussex RH17 6EW DM/22/3875

Dear Mr Breen,

I refer to the above application and our phone call of earlier today. My sincere apologies for not addressing this matter sooner.

As discussed I will need to make a site visit to assess the application and development and would be available at the following times:

Tuesday 10th October (between 10am and 4pm)

Thursday 12th October (between 2.30pm – 3pm)

Monday 16th October (between 11.30am – 1pm and 3.30pm – 5pm)

Tuesday 17th October (between 8.30am and 4pm)

Wednesday 18th October (between 10.30am and 5pm)

Please let me know which one suits you and your client.

Kind regards

Andy Clarke BSc (Econ), PGDip

Senior Planning Officer

Planning Investigation and Enforcement

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