

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2857	Case Officer:	Katherine Williams
Application Type:	Change of Use Application		
Proposal:	Proposed part change of use of the ground floor shop to residential, removal of a 1970's rear flat roof extension, minor alterations internally, and change of external building colour.		
Site:	LloydsPharmacy, Heathfield House, High Street, Cuckfield, Haywards Heath, West Sussex, RH17 5JU,		
Validation Date	6 Nov 2025	Overall Expiry Date:	6 Jan 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	7 Jan 2026
Target Date:	1 Jan 2026	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	8 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2857

LloydsPharmacy, Heathfield House, High Street, Cuckfield, Haywards Heath, West Sussex, RH17 5JU

Proposed part change of use of the ground floor shop to residential, removal of a 1970's rear flat roof extension, minor alterations internally, and change of external building colour.

Miss Rachel Bryant

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

Conservation Officer - No objection following amendments, recommend conditions

PARISH COUNCIL OBSERVATIONS

Objection - Committee noted that, under policy CNP11 c) of the Cuckfield Neighbourhood Plan, the proposal did not sufficiently justify the reduction of the shop floor area, nor did it provide evidence of the viability of the proposed retail space. Committee agreed that further consideration of Policy CNP11 c)* was required.

*The loss of existing business premises (Use Classes A1, A2, A3, A4, A5, B1 and C1) within the village centre will be resisted unless an equivalent replacement facility is provided within the centre, or where it is demonstrated that the continued operation of a business or service is no longer financially viable. If a specific business or service is no longer financially viable, a use from the range of acceptable Use Classes should be sought for the premises.

INTRODUCTION

The application seeks planning permission for the part change of use of the ground floor shop to residential, removal of a 1970's rear flat roof extension, minor alterations internally, and change of external building colour.

RELEVANT PLANNING HISTORY

DM/25/2942 - Proposed part change of use of the ground floor shop to residential, removal of a 1970's rear flat roof extension, minor alterations internally, and change of external building colour. Under Consideration

SITE AND SURROUNDINGS

The application property is located on the western side of High Street and the roundabout with Broad Street, within the built up area and Conservation Area of Cuckfield. The property is also within an Archaeological Notification Area and within the setting of a number of listed buildings, including Marshalls a Grade II* manor house, High Street a Grade II listed building, and No.s 2-5 High Street Grade II listed buildings.

The property consists of a Grade II listed building dating back to the mid 19th century and extends over four floors, including a basement, with a ground floor shop (Use Class E) and a residential property above. The shop unit is divided in two sections with storage rooms to the southern side with the shop area and shopfront to the north, which leads to a staff room, kitchen and W.C. within an existing single

storey flat roof rear extension. The two sections are separated by a central corridor which leads to the residential unit above and the rooms of the ground floor.

The property is located within the village centre of Cuckfield and contributes to the existing character and commercial centre of Cuckfield. The property is located within a prominent position within the streetscene due to its position opposite the roundabout with Broad Street along with the significantly greater height of the building to neighbouring properties and its teal colour render finish of the building.

The property is constructed in painted render, white timber fenestration and slate roof tiles.

APPLICATION DETAILS

The proposal seeks the planning permission for the partial conversion of the ground floor of the shop to form part of the existing residential property. This would result in the southern side store rooms to be converted to form a utility room and study for the dwelling, with the central corridor solely used for the dwellinghouse and the existing internal doorway into shop removed.

The existing rear extension would also be removed with the rear opening blocked up and original rear window reinstated. These works would also include internal wall additions to create a staff room, storage and W.C.

The external colour of the building was also be changes from a white shopfront and teal above to a dark grey "railings blue" shopfront and ground floor with off white above "Shaded White".

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) And 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 Allocation DPD, Site Allocation DPD and Cuckfield 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:

DP1 - Sustainable Economic Development

DP3 - Village and Neighbourhood Centre Development

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP26 - Character and Design

DP28 - Accessibility

DP34 - Listed Buildings and Other Heritage Assets

DP35 - Conservation Area

DP38 - Biodiversity

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 (made October 2014)

Relevant policies:

CNP1 - Design of New Development and Conservation

CNP4 - Protect and Enhance Biodiversity

CNP11 - Cuckfield Village Centre

Other Legislation

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

DPB3 - Conservation Area

DPE1 - Sustainable Economic Development

DPE2 - Existing Employment Sites

DPE4 - Town and Village Centre Development

DPE6 - Development within Primary Shopping Areas

DPH12: Accessibility

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 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

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 (Where being referred too)

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.

Planning (Listed Buildings and Conservation Areas) Act 1990

Cuckfield Conservation Area Appraisal

ASSESSMENT

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

- The principle of development;
- Design and Impact on the Conservation Area and Listed Building
- Impact on the amenities of neighbouring properties
- Ashdown Forest
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle of Development

Policy DP1 of the Mid Sussex District Plan relates to sustainable economic development and existing commercial premises and states in part:

'Effective use of employment land and premises will be made by:

- *Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;*
- *Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;'*

Policy DP3 states:

'Village Centres

These are defined as the village centres of Crawley Down, Cuckfield, Hassocks, Hurstpierpoint and Lindfield which meet the needs of their own communities and neighbouring small villages and countryside areas.

To support the village centres, development, including for mixed uses, will be permitted providing it:

- *helps maintain and develop the range of shops and services to enable the village centre to meet local needs; and*
- *is appropriate in scale and function to its location including the character and amenities of the surrounding area; and*
- *is in accordance with the relevant Neighbourhood Plan.'*

Policy CNP11 of the Cuckfield Neighbourhood Plan states:

- 'a) Proposals for the change of use of premises to shop, financial and professional service, restaurant, cafe, public house, hot food takeaway, hotel, office, place of worship, public hall, health centre, crèche, day nursery, museum, library, art gallery and exhibition hall (Use Classes A1, A2, A3, A4, A5, B1, C1 and D1) will be permitted within Cuckfield village centre, as defined on Map 8 - Cuckfield Village Centre, provided a mix of uses is maintained. Extensions to such uses will also be permitted.*
- b) Residential use of upper floors should be retained and encouraged where appropriate.*
- c) The loss of existing business premises (Use Classes A1, A2, A3, A4, A5, B1, and C1) within the village centre will be resisted unless an equivalent replacement facility is provided within the centre, or where it is demonstrated that the continued operation of a business or service is no longer financially viable. If a specific business or service is no longer financially viable, a use from the range of acceptable Use Classes should be sought for the premises.'*

The proposal would result in the partial conversion of the existing shop to form part of the existing residential dwelling, along with the removal of the existing rear extension which would reduce floorspace of the remaining shop, however, it would not result in the loss of the shop unit. The proposal would retain the existing shopfront and separate access to the unit along with maintain sufficient floorspace and services for the unit to allow a commercial use to operate from the unit.

It is therefore considered that the proposal would maintain the commercial use within the building and continue to contribute to the range of services and shops within the village centre of Cuckfield in accordance with policies DP1 and DP2 of the Mid Sussex District Plan and policy CNP11 of the Cuckfield Neighbourhood Plan, and is acceptable in principle.

Design and Impact on the Conservation Area and Listed Buildings

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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.'

Paras 205, 212-215 of the NPPF state:

'205. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

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.'

Policy DP34 of the District Plan is relevant and states:

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

- 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;*
- 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;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- 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;*
- Special regard is given to protecting the setting of a listed building;*
- 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.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

Mid Sussex District Plan policy DP35 states:

'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:

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

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

Policy DP26 of the Mid Sussex District Plan states:

"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

Policy CNP1 of the Cuckfield Neighbourhood Plan states:

'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.'*

Principle DG11 of the Mid Sussex Design Guide states: *'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.*

Elsewhere new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric. There may be potential to introduce a new character / development form and massing:

- On larger urban extensions; this will typically be within the middle of the site and associated with a new neighbourhood centre, spine road or the main open space.*
- In town centre locations defined as coarse grain areas and nearby sites identified on the brownfield sites register.'*

The Council's Conservation Officer has been consulted on the application and has provided the following initial comments:

'Firstly, I would note that there appear to be some inconsistencies between the works as described in the submitted Design, Access and Heritage Statement, for example with respect to the southern section of the ground floor removal of redundant partitions is described in the Statement, but not reflected in the existing/proposed floor plans. The Statement also mentions reinstatement of two windows to the rear elevation, but only one is shown on the drawings. The works to remove pipes and conduits associated with the removal of the rear addition described in the Statement are not shown on the elevations.

The application site is a Grade II listed building located in a prominent position within the Cuckfield Conservation Area. The building, which dates from the mid 19th century, is a three storey house with a shop frontage to one side at ground floor- historical map regression suggests this may have been added in the late 19th or early 20th century.

The current proposal is for change of use of part of the ground floor from shop to residential, with associated external and internal alterations comprising removal of a single storey rear extension, repainting to a different colour palette, and alterations to the plan form at ground floor. To consider these proposals in turn:

- The proposed change of use of part of the ground floor from shop to residential is not considered contentious in principle, provided that we are satisfied that this would not adversely affect the viability of the retail unit. The site is located within the commercial heart of Cuckfield village, and the continuing presence of a varied mix of uses, including retail, is important to the character of this part of the Conservation Area. As the shop element appears to be either original, or an early introduction to the listed building, it would also be considered to contribute to its narrative and hence to its special historical interest.*
- The existing rear single storey extension is an unattractive addition dating from the 1970s and detracts from the appearance and special interest of the building. Its removal is welcomed, subject to detail of the reinstatement of the underlying rear elevation, including the replacement window.*
- The proposed internal alterations at ground floor are relatively minor, comprising removal of a cubicle inserted to the front of the shop space, new partitioning and blocking of a door towards the rear. This part of the building appears much altered, and although there may be some impact on original plan form from the works to the rear of the space, this must be balanced against the removal of the cubicle to the front, which is located directly behind the shop window. On balance, this aspect of the proposal is not considered contentious.*
- In terms of the repainting of the building, whilst this is not considered contentious in principle, care should be taken that the palette is sympathetic to the period of the building and its context. Could the applicant therefore provide further information including perhaps a coloured image of the building in full daylight? The 'mock up' provided appears to be illustrative of 'dusk' lighting, and does not show the paint colours clearly. It also does not show the proposed treatment of the architectural features to the façade such as the pilasters to either side of the elevation and the architraves above the central windows- none of these features appear at all on the proposed coloured elevations, which I am hoping does not indicate it is intended to remove them (which would be unacceptable)? As these are key features of the building, it may not be appropriate to disguise them by painting them in the same colour as the rest of the elevation- this should be considered and demonstrated in the information provided. This aspect of the work should also be discussed in the Heritage Statement.*

In summary, although the majority of the works proposed are considered either uncontroversial (subject to detail), or beneficial, the repainting of the façade requires further consideration and fuller information. The inconsistencies between the plans and supporting statement should also be addressed.'

Following these comments an amended Design and Access, Planning and Heritage Statement was provided along with further details of the proposed external colour finish. The following final comments were then received from the Conservation Officer:

'Further/revised information has been received in terms of a corrected Design and Access Statement and revised visuals to show the paint colours to the façade. This addresses the previous concerns with respect to inconsistencies between the submitted documents. With respect to the paint, further information has been provided including clearer visuals. On balance, this aspect of the proposal is now also considered acceptable.'

The proposal is therefore considered to preserve the special interest of the listed building and the character and appearance of the Conservation Area, meeting the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF.

I would recommend the following conditions:

- *Details of facing material to the exposed rear elevation where the extension removed.*
- *Detailed drawings including elevation and sections, at an appropriate large scale, and annotated to show materials and finishes, of new window and new internal and external doors.*
- *Detailed hard and soft landscaping scheme to the rear garden area where the extension is removed.*

New or altered external pipework to be of painted metal.'

The proposal would maintain a shop unit on the ground floor of the property with no external alterations to the shopfront of the ground floor and would retain the commercial appearance of the ground floor of the property. Therefore, the proposal would continue to contribute to the vitality of the village centre and therefore maintain the contribution it makes to the character of the Conservation Area and special significance of the listed building.

The existing rear extension is of poor design and detracts from the character of the listed building, therefore the removal of the extension and reinstatement of the original rear window is considered to have a positive impact on appearance of the listed building.

The changes to the external colour of the building would be a notable change to the appearance of the building within the locality, however given the existing painted appearance of the building and the colours proposed this is not considered to detract from the appearance of the property or have a negative impact on the Conservation Area.

Due to the above, the proposal is considered to be a form of development which would conserve the Conservation Area and protect special interest of the listed buildings and the settings of other surrounding listed buildings. The proposal would therefore comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, policy CNP1 of the Cuckfield Plan, the Mid Sussex Design Guide and the relevant provision of the NPPF.

Impact on the amenities of neighbouring properties

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 northern side is Marshalls, which is set away from the application property with its driveway in between. On the southern side is No. 45 High Street, which is attached to the application property through its northern side elevation. The rear elevation of this property extends beyond rear elevation of the application property.

The proposal would consist of largely of the removal of the existing extension and internal alterations. Given the nature of the proposal it is considered that it would not cause harm to the amenities of the neighbouring properties.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

An overall Habitats Regulations Assessment has been undertaken for the planning application which includes the type of development proposed.

Recreational disturbance:

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution:

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. There is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment:

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

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

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.

The proposal is acceptable in terms of its principle, would protect the listed building and conserve the Conservation Area, and would not cause harm to the amenities of neighbouring properties.

It is therefore considered that the proposal complies with Mid Sussex District Plan policies DP1, DP3, DP17, DP26, DP34, DP35 and DP38 and policies CNP1, CNP4, and CNP11 of the Cuckfield Neighbourhood Plan and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Katherine Williams