

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1106	Case Officer:	Caroline Grist
Application Type:	Full Application		
Proposal:	Change of flat 4 and 4a to a single family C3 dwelling.		
Site:	4 And 4A East Court Villas, Cranston Road, East Grinstead, West Sussex, RH19 3HQ, , ,		
Validation Date	28 Apr 2025	Overall Expiry Date:	28 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	18 Jun 2025
Target Date:	23 Jun 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	19 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1106

**4 And 4A East Court Villas, Cranston Road, East Grinstead, West Sussex, RH19 3HQ, ,
Change of flat 4 and 4a to a single family C3 dwelling.
Ms Ralitsa Slavova**

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Street Naming and Numbering Officer

Informative requested.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

Planning permission is sought to change the of flat 4 and 4a to a single family C3 dwelling.

RELEVANT PLANNING HISTORY

GR/093/86 - Convert and modernize into two flats. Permission.

SITE AND SURROUNDINGS

The application relates to a north facing, semi-detached, two storey building with rooms in the roof. The building is currently divided into two flats. One flat is contained on the ground floor whilst the second comprises the first floor and roof space. It is a red brick building, with tile hanging at the first floor level and rough render in the eaves. The roof is finished in plain tiles and the windows are a combination of timber and upvc. It is characterised by bay windows and having a recessed doorway on the corner of the building.

The application site is situated within the built up area of East Grinstead. Neighbouring dwellings are located to the south, east and west, whilst the highway is to the north. The dwelling is set back from the highway behind a front garden.

APPLICATION DETAILS

Planning permission is sought to change the use of two flats to a single dwelling. Currently there is a ground floor flat comprising one bedroom, living room, kitchen and shower room. Access is gained through a side door. The second flat has a living/dining room, kitchen, bedroom and bathroom on the first floor and two further bedrooms within the roofspace. Access to this flat is gained through the front door.

The proposed development seeks to retain the overall internal layout. On the ground floor it is proposed change the bedroom to a dining room and on the first floor the kitchen and living/dining room are to be changed to bedrooms. This would create a five bedroom dwelling.

No external changes are proposed to the building or the wider site.

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 Allocations Document (DPD) and East Grinstead 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:

- DP4 - Housing
- DP5 - Planning to Meet Future Housing Need
- DP6 - Settlement Hierarchy
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP28 - Accessibility
- DP30 - Housing Mix

Site Allocations Development Plan Document

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

There are no relevant policies.

East Grinstead Neighbourhood Plan

The East Grinstead Neighbourhood Plan was formally made on 2nd November 2016.

Relevant policies:

EG3 - Promoting Good Design

EG5 - Housing

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS2 - Sustainable Design and Construction

DPS6 - Health and Wellbeing

DPB1 - Character and Design

DPH1 - Housing

DPH3 - Sustainable Development - Inside the Built-up Area

DPH7 - Housing Mix

DPH11 - Dwelling Space Standards

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.

Chapter 11 of the NPPF deals with making effective use of land and paragraph 125 c) sets out that decisions should:

'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals should be approved unless substantial harm would be caused...'

National Planning Policy Guidance

National Design Guide

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

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

Technical Housing Standards

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 character of the surrounding area;
- Impact on the amenities of neighbouring properties;
- Impact on future occupants of the development;
- Biodiversity Net Gain;
- Planning Balance and Conclusion.

Principle of Development

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

This application would effectively result in the loss of a one bed flat within the built up area of East Grinstead, with a five bed house being created from 1no. 1 bed flat and 1no. 3 bed flat.

A High Court judgment in the case of *Richmond upon Thames LB v SoS & another* 28/03/2000 established that the amalgamation of two or more residential units into one unit may constitute a material change of use such to require planning permission.

When considering residential development, policy DP6 of the District Plan is relevant, stating in part that:

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

The Council has over a long period of time sought to maintain and increase housing supply, to support the Government's objective of significantly boosting the supply of homes in accordance with paragraph 61 of the NPPF. District Plan Policy DP4 sets a minimum housing provision figure for the plan period.

Whilst there is an overall strategy in the Development Plan to provide new housing, there is no policy reference in the District Plan or East Grinstead Neighbourhood Plan regarding the loss of dwellings.

As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.

The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

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

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

'For decision-taking this means;

*c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;*

- i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

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

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

Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having

regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

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

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

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

The appeal decision at 78B West Street in East Grinstead (Planning ref DM/18/4711, Appeal ref W/4000136) is also considered relevant in the determination of this application. It relates to an application for the conversion of two flats to form a single dwelling, returning the property to its original state. In the Inspector's assessment of that case it was recognised that a residential unit would be lost as a result of the proposal. In paragraph 4-7 of the Appeal Decision letter the inspector states:

'4. Policy DP4 of the Mid Sussex District Plan (2018) sets a minimum figure for housing provision over the development plan period 2014 to 2031. The net loss of one unit of residential accommodation would have a modest effect on the Council's housing delivery calculations and conflict with its overall strategy for housing supply. However, the Council advises that there are no specific policies within its development plan that preclude the loss of a residential unit.

5. The Council has drawn my attention to paragraph 59 of the National Planning Policy Framework (the Framework) which seeks to significantly boost the supply of housing. However, this paragraph recognises the importance of a sufficient amount and variety of land being brought forward rather than preventing the reversion of the host dwelling to a single unit of accommodation. Similarly, the housing land supply position is concerned with a deliverable supply of land for housing being able to come forward rather than maintaining the total housing stock of existing dwellings within the District.

6. Furthermore, paragraph 11(d) of the Framework states that where there are no relevant development policies, planning permission should be granted. The Council assessed the proposal and concluded that there were no adverse impacts arising from its effect on highways and parking, the character and appearance of the surrounding area, nor the living conditions of existing and future occupants, and I see no reason to disagree with their professional assessment.

7. Overall, in the absence of any demonstrable harm arising from local or national policy that directs against the proposal I find that there are no material considerations of sufficient weight to justify withholding planning permission'. The Appeal was allowed.

With the above in mind, it is considered that although the application will result in the loss of a flat, there is no policy justification to refuse this application on that basis.

The proposal therefore falls to be considered against other planning policy considerations.

Design and impact on the character of the surrounding 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:

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

East Grinstead Neighbourhood Plan policy EG3 states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- o The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- o The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- o The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- o The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- o The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- o New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- o The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- o Proposals make provision for green infrastructure and biodiversity enhancement'.*

The application relates to an existing building within the built up area of East Grinstead. It is situated within a residential area, where dwellings are located on either side of Cranston Road and continue along Stoneleigh Close to the south. No external changes are proposed to the existing building. It remains that no off road parking is to be provided, however the Design and Access Statement sets out that currently on-street parking is available along Cranston Road. It is considered that the proposed change of use would not have a material impact on this arrangement, given that the property would remain in residential use.

It is therefore considered that the proposed development would be acceptable in design terms and would not have a harmful impact on the character of the streetscene.

Impact on the amenities of neighbouring properties

Policy DP26 of the Mid Sussex District Plan states:

'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 DP29);'

Policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should "not harm" adjoining neighbours amenity whereas policy DP26 of the Mid Sussex District Plan states that development should 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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. As such, policy DP26 is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

No external changes are proposed to the existing building and, as such, there would not be a loss of light or outlook to neighbouring properties. No new windows are proposed to the building that would result in a harmful impact to neighbours' privacy beyond the existing situation. The rear garden is to remain in residential use, being associated with one dwelling rather than two.

It is therefore considered that the proposal would not have a harmful impact to the amenity of neighbouring properties.

Impact on future occupants of the development

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

The proposal would provide 1 No. 5-bed 8 person dwelling. The internal floor space of the dwelling would meet the relevant minimum space standards and is therefore considered that the proposal would comply with policy DP27 of the District Plan and the National Dwelling Space Standards.

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.

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 East Grinstead Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP6, DP26, DP27, DP28 and DP30 and East Grinstead Neighbourhood Plan policies EG3 and EG5.

As a result, it is considered that the application complies with the development plan. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard

is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

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

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

Weighing in favour of the scheme are the limited economic benefits of that would arise from the conversion.

The proposed development as amended is considered to have a neutral impact in respect of a number of issues. The proposal is considered to conserve the appearance and character of the area and should not be harmful to neighbouring amenities. Nor should the proposal be detrimental to highway safety.

Weighing against the scheme are the concerns that the proposal would result in the loss of a C3 dwellinghouse in a sustainable location at a time when there is a general need for Local Authorities to boost significantly the supply of housing. The residential use, however, would not be wholly lost and, as set out above, there is no specific policy justification to resist the conversion of two flats to one house.

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

In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome the proposal's conflict with the development plan.

There are no other material considerations that would alter the above planning balance.

Decision: Permission

Case Officer: Caroline Grist