

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2598	Case Officer:	Rachel Richardson
Application Type:	Householder Application		
Proposal:	Proposed double detached subterranean garage and new extended levelled off street parking with retaining brick walls and extended steps		
Site:	1 East Lodge Stonelands, Selsfield Road, West Hoathly, East Grinstead, West Sussex, RH19 4QY, ,		
Validation Date	19 Dec 2024	Overall Expiry Date:	13 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	12 Feb 2025
Target Date:	13 Feb 2025	Recommending Officer Signature:	Rachel Richardson

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	12 Feb 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2598

**1 East Lodge Stonelands, Selsfield Road, West Hoathly, East Grinstead, West Sussex, RH19 4QY,
Proposed double detached subterranean garage and new extended levelled off street parking
with retaining brick walls and extended steps
Mr David Tonna**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

WSCC Highway Authority: No objection.

Southern Water: No objections.

TOWN/PARISH COUNCIL OBSERVATIONS

No objections.

INTRODUCTION

Permission is sought for the construction of a double (subterranean) garage and new extended levelled off street parking with retaining brick walls and extended steps.

RELEVANT PLANNING HISTORY

02/01854/FUL Proposed Garage Permission 09.12.2002

04/00762/FUL Relocation of Garage Permission 05.05.2004

SITE AND SURROUNDINGS

The site comprises a semi detached two storey property situated off the western side of Selsfield Road, and opposite Duckyls Farm Centre, an assisted living residence. The property is undergoing building work and being extended.

The site sits up considerably higher than Selsfield Road which lies to its north eastern side, the boundary of which is defined by a hedgerow. The southern and eastern boundaries of the site are demarcated by a 1 m high post and rail wooden fence, which adjoins a field and open countryside. A hedge defines the boundary along its western side.

The character of the area is rural with sporadic housing.

For the purposes of planning policy the site lies within the countryside and outside of the built up area boundary, as defined in the Mid Sussex District Plan (MSDP). The site also lies within the High Weald Area of Outstanding Natural Beauty and is a National Landscape as described in the National Planning Policy Framework (NPPF). The site is also within the Ashdown Forest zone of influence.

APPLICATION DETAILS

The proposed site plan (0110/P/02 A) illustrates the layout of the proposed development with annotation and in relation to the red edged boundary line.

It shows the position of the garage to be constructed into the ground in the south eastern corner of the site also including levels. The proposed double garage would be cut into existing earth banks and this would be accessed via a new levelled driveway which would be supported by proposed brick retaining walls of 1.2m high. There are some steps leading up into the higher garden area and dwelling house and it is proposed that these are extended to meet with the new reduced levels of the proposed driveway.

The proposed garage measures 6.45m wide by 6m deep with a height of 2.95m. The Proposed garage roof would sit slightly proud and above the upper garden level by approximately.

The application is accompanied by a schedule of materials which states that the proposed garage will have a grey up and over door, multi stock brickwork to match the existing dwelling, Marshalls 'Drivesett' permeable block paving laid on a free draining base and a coping stone in a natural grey colour for the roof of the garage.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and West Hoathly Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12: Protection and Enhancement of Countryside

DP16: High Weald Area of Outstanding Natural Beauty

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

DP21: Transport

DP26: Character and Design

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.

There are no relevant policies.

Neighbourhood Plan

West Hoathly Neighbourhood Plan made on 16 April 2015.

Relevant policies:

WHP1 Landscape

Other Material Considerations

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

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

Relevant policies:

DPN1: Biodiversity, Geodiversity and Nature Recovery
DPC1: Protection and Enhancement of the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design

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)

High Weald AONB Management Plan 2024-2029

Planning Technical Advice Note: Dark Skies in the High Weald

This dark skies planning technical advice note is a material consideration in planning matters.

ASSESSMENT

The main issues for consideration are:

- o Design and character including impact on AONB and countryside
- o Residential amenity
- o Highways
- o Ashdown Forest
- o Biodiversity Net Gain

Design and Impact on character of area

One of the objectives of achieving sustainable development is to ensure that proposals '*contribute to protecting and enhancing our natural, built and historic environment*' (para 8, NPPF).

The site falls outside of the built up area (within the countryside). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area.

Policy DP12 of the District Plan relates to the protection and enhancement of the countryside. In part it states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

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

The supporting text sets out the following:

'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.'

Para 187 of the NPPF requires proposals to contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside'*.

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

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular:

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

WHP1 Landscape states that:

'Where appropriate, proposals for development should demonstrate that the viewpoints and spaces identified on Map B will be preserved.'

The High Weald Management Plan and paragraph 189 of the NPPF are also relevant.

These policies seek to enhance the character of the settlement where viewpoints and spaces are preserved. The Dark Skies Technical Advice Note SPD has objectives to protect and maintain existing dark skies by minimising internal light spill and obtrusive external light pollution.

Policy DP26 of the District Plan relates to character and design. It 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 DP29);*
- 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.'*

The Council's Design Guide sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for high quality buildings that minimise their environmental impact under principle DG37.

The proposed Garage will be built into an existing grassed embankment and the existing sloping tarmacked driveway will be levelled and block paved which is to be surrounded by a new brick retaining wall. It is considered that the proposed development will maintain the quality of the rural landscape character and not have an adverse impact on the views either into or out of the AONB.

The proposal is thereby considered to comply with Policies DP12, DP16 and DP26 of the Mid Sussex District Plan, WHP1 of the Neighbourhood Plan the design principles set out in the Design Guide, and the requirements of the NPPF.

Impact on Residential Amenity

Policy DP26 states that all applicants will be required to demonstrate that the development '*does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)*'

There are no adjoining properties significantly harmed by the proposed development. The application site is surrounded by open land and the proposed garage will be on a lower level and out of view from the other half of the semi detached pair of dwellinghouses.

As such, the proposed development is compliant with DP26.

Highways

Policy DP21 states that decisions on development proposals will take account of whether:

'The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);

- o Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- o The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*

The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;

- o Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- o The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- o The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- o The scheme protects the safety of road users and pedestrians; and*
- o The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.'*

WSCC Highway Authority has commented as follows:

'This application seeks a proposed double detached subterranean garage and new extended levelled off-street parking with retaining brick walls and extended steps. The site is located on Selsfield Road, a C-classified road subject to a speed restriction of 40 mph in this location.

A new double-bay garage is proposed within an existing area of hardstanding. Historic street view imagery suggests that this existing hardstanding has been used for off-street parking for a number of years. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to the use of the existing access within the vicinity of the site. Therefore, there is no evidence to suggest the existing access has been operating unsafely, or that the proposals would exacerbate an existing safety concern.

The proposed position of the garage will allow for the cars parked within to reverse and turn on-site and exit onto the maintained highway in a forward gear, representing an improvement over what current exists in this location.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.'

The above is agreed with, and it is considered that this proposal is acceptable in highway terms. NPPF Para 116 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety. The proposed development therefore complies with DP21 and national policy contained within the NPPF.

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. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

NatureSpace has not commented on this application in terms of great crested newts because of it being within the green zone and the site of the proposed development is within the garden and driveway which is grassed and hard surfaced. Therefore it is not at significant risk from occupation of great crested newts.

PLANNING BALANCE AND CONCLUSION

The application is considered to be acceptable. The proposed garage and landscaping is considered to be respectful to the character and appearance of the property and locality. It would not detract from the essential qualities and characteristics of the AONB nor would it have a significant impact on the residential amenity for the occupants of nearby properties. The proposed development does not require BNG and will not have a significant effect on the Ashdown Forest SPA and SAC. The proposed development is compliant with all relevant policies including DP12, DP16, DP17, DP21, DP26 and DP38

of the MSDP and WHP1 of the NP, the principle of the MSDG and national policy contained within the NPPF, all as specified above in the report. It is recommended that permission be granted.

Decision: Permission

Case Officer: Rachel Richardson