

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                 |                                        |                         |
|----------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------|-------------------------|
| <b>Ref. No:</b>                              | DM/26/1849                                                                      | <b>Case Officer:</b>                   | Catherine Cardin        |
| <b>Application Type:</b>                     | Householder Application                                                         |                                        |                         |
| <b>Proposal:</b>                             | Proposed detached garage to the front of Applehanger                            |                                        |                         |
| <b>Site:</b>                                 | Applehanger, Lewes Road, Ashurst Wood, East Grinstead, West Sussex, RH19 3SX, , |                                        |                         |
| <b>Validation Date</b>                       | 27 Jul 2026                                                                     | <b>Overall Expiry Date:</b>            | 9 Sep 2026              |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                 | <b>Pre-Com Conditions Date Agreed:</b> |                         |
| <b>Recommendation:</b>                       | Refusal                                                                         | <b>Recommendation Date:</b>            | 16 Sep 2026             |
| <b>Target Date:</b>                          | 21 Sep 2026                                                                     | <b>Recommending Officer Signature:</b> | <i>Catherine Cardin</i> |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                        |              |             |
|------------------------------|------------------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | <i>Stephen Ashdown</i> | <b>Date:</b> | 18 Sep 2026 |
| <b>Comments:</b>             |                        |              |             |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/26/1849**

**Applehanger, Lewes Road, Ashurst Wood, East Grinstead, West Sussex, RH19 3SX,  
Proposed detached garage to the front of Applehanger  
Mr A Kemp**

### **SUMMARY OF REPRESENTATIONS**

None received.

### **SUMMARY OF CONSULTEES**

#### **MSDC Tree Officer**

No objection.

### **PARISH COUNCIL OBSERVATIONS**

No objection.

### **INTRODUCTION**

The application seeks planning permission for a proposed detached garage to the front of the dwelling.

### **RELEVANT PLANNING HISTORY**

GR/156/99- Replacement double garage. Permission.

10/00476/FUL- Two storey extension to the flank and new front entrance porch together with ancillary landscaping to provide terrace to rear and additional parking to front, following demolition of existing utility room and detached garage. Permission.

DM/17/5115- Single storey extension to rear of property with utility extension to north of west flank. Permission.

DM/21/0716- (Amended plans received 01/06/2021 and 15/06/2021) Single storey extension to rear of property with utility extension to north of west flank as permitted under ref DM/17/5115. Permission.

### **SITE AND SURROUNDINGS**

The application site comprises a detached two-storey dwelling characterised by red brick elevations, white timber fenestration, tile hanging at first-floor level and a plain tiled roof. The dwelling benefits from a gravel driveway to the front and side, together with a rear garden. Land levels slope down towards the north-west.

The site occupies a corner plot on the southern side of Lewes Road, at its junction with Luxford's Lane. It lies outside the built-up area boundary of Ashurst Wood and within the High Weald National Landscape. Neighbouring residential properties are situated to the east and south. The public highway lies to the north-east, while a privately owned road subject to a public right of way lies to the south-west.

### **APPLICATION DETAILS**

Planning permission is sought for a detached, hipped roof garage that would be positioned to the front of the dwelling. The garage would be located approximately 6.8m to the northwest of the dwelling. The

proposed garage would measure approximately 6.2 m in width and 5.4 m in depth. This would incorporate a wood store on the side (southern) elevation which would measure 0.9 m in width and 3.9 m in depth. The garage would have a hipped roof with a height to the ridge of approximately 4.6 m and an eaves height of 2.6m. Two garage doors are proposed on the front (southeastern) elevation. The elevations are to be finished in timber cladding.

## **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 Ashurst Wood 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  
DP26 - Character and Design  
DP37 - Trees, Woodland and Hedgerows

### **Site Allocations DPD**

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

Relevant policies:

No relevant policies

### **Neighbourhood Plan**

Ashurst Wood Neighbourhood Plan was made in 2016.

Relevant policies:

Policy ASW1- Protection of the Countryside  
Policy ASW14- Design and Character

### **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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. The District Plan remains at Examination until the Inspector has published his report, until that time 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  
DPB1 - Character and Design  
DPC4 - High Weald Area of Outstanding Natural Beauty  
DPN4 - Trees, Woodland and Hedgerows

### *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) (August 2026)*

## **ASSESSMENT**

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

- Character and Design
- Impact on the High Weald AONB
- Neighbouring Amenities
- Impact to Trees
- Biodiversity Net Gain

## **Design and Character**

Policy DP26 of the District Plan relates to character and design. Policy ASW14 of the Neighbourhood Plan contains a similar ethos. However, these policies are considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policy DP3 of the NPPF.

Policy DP3 of the NPPF sets out the key principles for well-designed places. This sets out in part that proposals should respond to their context, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

The site forms part of a loose ribbon of residential development on the edge of Ashurst Wood. The locality exhibits a verdant, semi-rural character, with dwellings generally occupying generous plots that benefit from mature landscaping. The character of the streetscene is reinforced by a variety of boundary treatments, including walls, fences and established hedging, which contribute positively to the area's green and spacious appearance.

The application seeks planning permission for a detached double garage within the front garden of the property. The proposed building would have a hipped roof and would be constructed with oak posts with horizontal timber cladding.

It is considered that the proposed garage, by reason of its siting forward of the principal elevation and close to the front boundary, would appear incongruous within the streetscene and harmful to the established character of the area. The proposed garage would interrupt the existing pattern of development whereby the principal built form is generally set back from the highway behind generous, landscaped frontages. The building would form a prominent feature when travelling along Lewes Road due to its position close to the highway. The prominence of the proposed garage would be heightened by its substantial dimensions, measuring approximately 6.2 metres in width and 4.6 metres in height. Whilst the hipped roof would reduce the apparent bulk of the structure to some degree, the building would nevertheless represent a sizeable form of development in a visually exposed position within the front garden. Given its forward siting and proximity to the highway, the garage would have a significant visual presence within the streetscene, particularly when viewed from Lewes Road and the junction with

Luxford's Lane. Whilst some boundary screening exists, this is not considered sufficient to mitigate the prominence of the structure or its impact upon the character and appearance of the locality.

Furthermore, the site's corner plot position at the junction with Luxford's Lane increases the visibility of the proposed garage from the public realm. The frontage currently makes a positive contribution to the character of the area through its generous proportions and mature landscaping. The introduction of a detached double garage in this prominent location would diminish the landscaped character of the frontage and increase the visual prominence of built form within the street scene.

Whilst several properties along Lewes Road are enclosed by boundary hedging, the area's character is nevertheless defined by generous front gardens, mature landscaping and a strong degree of separation between built form and the highway. These spacious frontages contribute significantly to the verdant and semi-rural character of the area. The proposed garage would reduce the extent of landscaped frontage and introduce a substantial built structure into a prominent position close to the road.

Due to its siting and visibility, the garage would appear as an unduly prominent and discordant addition within the streetscene and would be particularly noticeable when entering Ashurst Wood from the north-west along Lewes Road. The prominence of the structure would be further exacerbated by its corner plot location, which would allow views from both Lewes Road and Luxford's Lane.

The surrounding area is characterised by generous plots and mature landscaping, which make an important contribution to its verdant, semi-rural character. The proposal would erode the spacious and landscaped character of the site, introduce an intrusive form of development into a prominent frontage location and fail to respect the established relationship between built form, landscaping and the highway. The detached garage would fail to respond positively to its context and would result in unacceptable harm to the character and appearance of the site and surrounding area.

Overall, the proposal would fail to respond positively to its context and would result in unacceptable harm to the character and appearance of the site, streetscene and surrounding area. The proposal is therefore contrary to the design objectives of Policy DP3 of the NPPF and DP26 of the Mid Sussex District Plan.

### **Impact on the High Weald AONB**

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 DP12 in the District Plan seeks to protect the character of the countryside and states that development will be permitted where it maintains or where possible enhances the quality of the rural and landscape character of the District and is supported by a specific policy reference in the District Plan, Neighbourhood Plan or Development Plan Document. In this case policy DP26 is the relevant policy that supports high quality development. It is considered that these policies have very limited weight due to the publication of the NPPF and greater weight should be given to policy N4 of the NPPF.

Policy ASW1 of the Neighbourhood Plan seeks to protect the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB). It is considered that this policy has very limited weight due to the publication of the NPPF and greater weight should be given to policy N4 of the NPPF.

Policy N4 of the NPPF states:

*'Substantial weight should be placed on the importance of conserving and enhancing the natural beauty of these areas, and to conserving and enhancing wildlife and cultural heritage in National Parks and the Broads.*

Whilst the site lies within the countryside, the proposal relates to the construction of a detached garage within the curtilage of an existing dwelling and does not represent new isolated residential development. The proposal comprises a modern domestic outbuilding associated with an existing dwelling and would be viewed in the context of existing residential development. Whilst the proposal would result in localised harm to the character and appearance of the immediate streetscene, having regard to its scale, domestic form and location within the curtilage of an existing dwelling, the development would not materially affect the wider landscape character, scenic beauty, or special qualities of the High Weald National Landscape.

As such the proposal would comply with the requirements of Policy DP16 of the District Plan, Policy ASW1 of the Neighbourhood Plan, The High Weald AONB Management Plan and Policy N4 of the NPPF.

### **Neighbouring Amenities**

Policy DP26 in part seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. Policy ASW14 of the Neighbourhood Plan requires that the living conditions of adjoining residents are safeguarded. It is considered that these policies have very limited weight due to the publication of the NPPF and greater weight should be given to policies L2 and P3 of the NPPF.

Policy L2 of the NPPF relates to making effective use of land. Part L2(1dii) requires proposals to have '*acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space*'.

Policy P3 of the NPPF relates to living conditions and pollution. Part 2(b) of this policy requires proposals '*Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site*'.

To the east of the application site lies Broadwater. Given that the proposal would be single storey in nature and offset from the shared boundary by approximately 26 metres, it is not considered that the development would result in unacceptable harm to the amenities of this neighbouring property.

Due to the domestic nature of the proposed development, it is considered that there would not be unacceptable harm in terms of noise, air and light pollution.

It is therefore considered that the proposal would not cause unacceptable harm to the amenities of neighbouring properties. The proposal is therefore deemed to accord with the above-mentioned part of policy DP26 of the District Plan and Policy ASW14 of the Neighbourhood Plan, and Policies L2 and P3 of the NPPF.

### **Impact to Trees**

Policy DP37 of the District Plan relates to Trees. However, this is considered to have very limited weight due to the publication of the NPPF, and greater weight should be given to policy N2 of the NPPF.

Policy N2 of the NPPF relates to improving the natural environment. Part 1 (a) of this policy requires that proposals should '*consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply)*'.

There is one tree within proximity of the development. The MSDC Tree Officer was consulted on the application and has provided a response. No objection has been raised. The proposal is therefore

considered to comply with the relevant criteria of policy DP37 of the District Plan and Policy N2 of the NPPF.

#### Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

#### **PLANNING BALANCE AND CONCLUSION**

The proposed detached garage, by reason of its prominent siting within the front garden of the site, corner plot location and proximity to the public highway, would appear as an incongruous and visually intrusive feature within the streetscene. The development would erode the spacious and verdant character of the site and surrounding area and fail to respond positively to its context. The proposal would therefore result in unacceptable harm to the character and appearance of the area and would conflict with Policy DP3 of the National Planning Policy Framework (2026) and the identified harm would substantially outweigh any benefits that might arise from the proposal. In reaching this conclusion, the Council has also had regard to Policy DP26 of the Mid Sussex District Plan 2014-2031 and Policy ASW14 of the Ashurst Wood Neighbourhood Plan, which attract very limited weight.

Decision: Refusal

Case Officer: Catherine Cardin