

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                                      |                                        |              |
|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------|
| <b>Ref. No:</b>                              | DM/25/1452                                                                                                                           | <b>Case Officer:</b>                   | Hamish Evans |
| <b>Application Type:</b>                     | Full Application                                                                                                                     |                                        |              |
| <b>Proposal:</b>                             | Change of use of agricultural land to use for exercising of dogs including perimeter fence, pathway, shelter and associated parking. |                                        |              |
| <b>Site:</b>                                 | Land South Railway Cottages, Vowels Lane, Kingscote, West Sussex, , , ,                                                              |                                        |              |
| <b>Validation Date</b>                       | 9 Jun 2025                                                                                                                           | <b>Overall Expiry Date:</b>            | 18 Nov 2025  |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                                      | <b>Pre-Com Conditions Date Agreed:</b> |              |
| <b>Recommendation:</b>                       | Permission                                                                                                                           | <b>Recommendation Date:</b>            | 19 Nov 2025  |
| <b>Target Date:</b>                          | 4 Aug 2025                                                                                                                           | <b>Recommending Officer Signature:</b> | Hamish Evans |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 2 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                 |              |             |
|------------------------------|-----------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | Stephen Ashdown | <b>Date:</b> | 19 Nov 2025 |
| <b>Comments:</b>             |                 |              |             |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/25/1452**

**Land South Railway Cottages, Vowels Lane, Kingscote, West Sussex, , ,  
Change of use of agricultural land to use for exercising of dogs including perimeter fence,  
pathway, shelter and associated parking.  
Mrs Laura Arden-Brown**

### **SUMMARY OF REPRESENTATIONS**

Two third-party letters of representation have been received in respect of this application. One objects to the proposal for the below reasons:

- Impact on character and appearance,
- Impact on AONB,
- Increase in traffic and activity,
- Increase in noise,
- Impact on tranquillity,
- Disruption to wildlife and habitats,
- Noise nuisance to residents,
- Poor visibility and impact on highways safety, and
- Impact on rights of way.

Another representation letter has been received which neither objects to or supports the application. However, it does raise concern of the proposal's impact on neighbouring sites dogs and overlooking.

### **SUMMARY OF CONSULTEES**

#### **WSCC Highways**

No objection, subject to conditions.

#### **Newt Officer**

No objection, subject to informative.

#### **Ecology**

No objection, subject to conditions.

### **TOWN COUNCIL OBSERVATIONS**

#### **East Grinstead Town Council**

Recommend permission.

### **INTRODUCTION**

The application seeks planning permission for the change of use of agricultural land to use for exercising dogs, a proposed perimeter fence, pathway, shelter and parking area at land to the south of Railway Cottages, Vowels Lane, Kingscote.

### **RELEVANT PLANNING HISTORY**

None relevant.

## **SITE AND SURROUNDINGS**

The application site is located within the countryside and the High Weald Area of Outstanding Natural Beauty. The application site comprises a parcel of agricultural land located south of Railway Cottages. The site lies within a rural setting characterised by open countryside, interspersed with small clusters of residential properties and agricultural holdings. The southern and western boundaries of the site are located within the 15 metre buffer zones of Ancient Woodland.

To the north, the site is bounded by Railway Cottages, a small group of dwellings accessed via Vowels Lane. The lane itself is a narrow, rural road lined with hedgerows and trees, contributing to the area's verdant character. The surrounding landscape is predominantly pastoral, with fields and woodland forming the wider setting.

The site is currently undeveloped and used for agricultural purposes. It is relatively flat and open, with natural boundaries formed by hedgerows and fencing.

## **APPLICATION DETAILS**

The application seeks planning permission for the change of use of the land to a dog walking field with use for dog training classes, proposed hardstanding for vehicle parking, 2.0 metre high perimeter fencing and wooden field shelter.

The proposed use will consist of individual dog owners/walkers and dog trainers using the site for a maximum of four dogs using the site at once. The proposed opening hours are from Monday to Saturday 7am to 8pm and Sunday 8am to 8pm.

The proposal includes perimeter fencing consisting of wooden posts with high wire deer fencing, it would measure some 2.0 metres in height and be located inside the boundary of the site. The existing boundary treatment will be retained.

The proposal includes hardstanding at the entrance of the site which will provide some two off-street parking spaces. These areas of hardstanding are to be characterised by 0.15 metres deep permeable sandstone.

The proposal also includes a shelter building which measures some 3.7 metres in depth, 3.7 metres in width, an eaves height of 2.0 metres and a total height of 2.3 metres. It is to be characterised by timber walls and felt roofing. No external lighting is proposed.

## **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 Mid Sussex District Plan, the Mid Sussex Site Allocations 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:

DP12 - Protection and Enhancement of Countryside  
DP16 - High Weald Area of Outstanding Natural Beauty  
DP21 - Transport

DP26 - Character and Design  
DP29 - Noise, Air and Light Pollution  
DP37 - Trees, Woodland and Hedgerows  
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.

None considered relevant.

### **East Grinstead Neighbourhood Plan**

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

EG1 - Protection of the High Weald AONB  
EG3 - Promoting Good Design  
EG12 - Car Parking

### **Other Material Considerations**

#### **Mid Sussex District Plan 2021-2039 Consultation Draft**

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) was published for public consultation on 12th January 2024 for six weeks and as a result of this consultation there are unresolved objections to some of the policies in the draft District Plan. 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.

DPN2: Biodiversity Net Gain  
DPN7: Noise Impacts  
DPC1: Protection and Enhancement of the Countryside  
DPC4: High Weald Area of Outstanding Natural Beauty  
DPB1: Character and Design  
DPT4: Parking and Electric Vehicle Charging Infrastructure

#### *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)*

### **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,
- the design and character,
- the impact on neighbouring amenities,

- impact on the High Weald AONB,
- highways matters,
- biodiversity,
- biodiversity net gain, and
- and conclusion.

## Principle

The relevant countryside protection policy is Policy DP12 of the District Plan, which 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:*

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

Policy DP16 of the Mid Sussex District Plan in part states:

*'Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.'*

Paragraph 88 of the NPPF states:

*'88. Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings,*
- b) the development and diversification of agricultural and other land-based rural businesses,*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside,*
- and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

Paragraph 89 of the NPPF states:

*'89. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*

The proposed development consists of limited physical development and the proposed shelter, fencing and hardstanding are all modest in their nature. The proposed fencing is considered common place within rural areas and the proposed shelter will be characterised by external considered common within the countryside. The proposed hardstanding is relatively modest in its nature and due to the existing boundary treatment there would be limited views of the hardstanding from the surrounding area.

The proposed use is considered to be relatively small scale and the intensity of the use can be secured by a suitably worded condition which restricts opening hours. There are also several agricultural and equestrian uses within the surrounding area.

Due to the location of the site, it would likely require the use of private cars to travel to, however due to the nature of the use, which would require a large secure open space, it is considered appropriate within the countryside. Many proposed business uses considered under policy DP16 would be likely to generate some vehicular movements. Due to the nature of the proposed use it would have a relatively local catchment area with the built up areas of West Hoathly, Turners Hill, Crawley Down and East Grinstead located in relatively close proximity to the site.

Taking into account the above assessment the proposal is considered to maintain the quality of the rural and landscape character of the District. The proposal is also considered to be small-scale development which supports the economy and social well-being of the AONB and is compatible with the conservation and enhancement of natural beauty. As such the proposal is considered to comply with policies DP12 and DP16 of the Mid Sussex District Plan and paragraphs 88 and 89 of the NPPF and as such is considered acceptable in principle.

## **Character and Design**

Policy DP12 of the District Plan refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District.

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.'*

A similar ethos is contained within policy EG3 of the East Grinstead Neighbourhood Plan and the Mid Sussex Design Guide SPD.

The proposed development consists of limited physical development and the proposed shelter, fencing and hardstanding are all modest in their nature. The proposed fencing is considered common place within rural areas and the proposed shelter will be characterised by external considered common within the countryside. The proposed hardstanding is relatively modest in its nature and due to the existing boundary treatment there would be limited views of the hardstanding from the surrounding area. Details of the proposed external materials can be secured by a suitably worded condition. There is significant existing boundary treatment surrounding the site and as such there would be limited views of the proposal from public realms. Due to the nature of the development it is considered to be relatively low impact.

As such the proposal is considered to maintain the character and appearance of the countryside and complies with policies DP12 and DP26 of the Mid Sussex District Plan, policy EG3 of the East Grinstead Neighbourhood Plan and the Mid Sussex Design Guide SPD.

### **Neighbouring Amenities**

Policy DP26 in part states that 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);'*

A similar ethos is contained within the policy DP29 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

A similar ethos is also found within Policies EG3 of the East Grinstead Neighbourhood Plan. Although Policy EG3 states that proposals should "not harm" adjoining neighbours amenity whereas policy DP26 of the MSDP 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 of the MSDP 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.

The application site is set away from the residential dwellings, with the nearest residential property being some 100 metres from the site. There is significant existing boundary treatment surrounding the site and a planning condition can be imposed to restrict the hours of use of the site. Taking into account the above the proposal is not considered to cause significant harm to the amenities of existing nearby residents and future occupants including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. As such the proposal is considered to comply with the above part of policies DP26 and DP29 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

### **Impact on the High Weald Area of Outstanding Natural Beauty**

The legal framework for Areas of Outstanding Natural Beauty (AONB) in England and Wales is provided by the Countryside and Rights of Way Act 2000. Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. It also 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.'*

Paragraph 189 of the NPPF states that:

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues.'*

A similar ethos is found within the High Weald AONB Management Plan 2019-2024, policy DP16 of the Mid Sussex District Plan and policy EG1 of the East Grinstead Neighbourhood Plan.

The proposed works are considered to be relatively modest in their nature and there will be limited views of the proposal from the surrounding area given the location of the proposal and the existing boundary treatment. The proposed development consists of limited physical development. The proposed fencing is considered common place within rural areas and the proposed shelter will be characterised by external considered common within the countryside. As such the proposal would not have any adverse impact on

the landscape quality of the AONB and the proposal complies with the requirements of policy DP16 of the District Plan, High Weald AONB Management Plan 2019-2024, policy EG1 of the East Grinstead Neighbourhood Plan and paragraph 189 of the NPPF.

## Highways Matters

Policy DP21 of the Mid Sussex District Plan in part states:

*'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*

...

*The Scheme protects the safety of road users and pedestrians.'*

A similar ethos is contained within policy EG12 of the East Grinstead Neighbourhood Plan and the West Sussex County Council Guidance on Parking at New Development (September 2020). West Sussex County Council Highways Authority have been consulted on the proposal and raised no objection to the proposed use and they have advised the proposed parking spaces are considered acceptable. They have recommended a condition securing the construction of the parking spaces prior to the commencement of the use. Taking into account the above the proposed development and its parking arrangement are considered acceptable and the proposal comply with policy DP21 of the Mid Sussex District Plan, policy EG12 of the East Grinstead Neighbourhood Plan and the West Sussex County Council Guidance on Parking at New Development (September 2020).

## Biodiversity

The application has been supported by a Preliminary Ecological Appraisal which includes habitat and protected species surveys and mitigation proposals.

Policy DP38 of the District Plan seeks to protect and enhance biodiversity and it in part states:

*'Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances).'*

Policy DP37 of the Mid Sussex District Plan also states that:

*'Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'*

The proposed development consists of limited physical development and the proposed shelter, fencing and hardstanding are all modest in their nature. The proposal is located within the 15 metre buffer of the Ancient Woodland to the south and west of the site. The proposal does not include any physical development with the buffer zone to the south and the existing road is located to the west of the site between the Ancient Woodland and the application site. As such whilst the proposal is located within the 15 metre buffer it would not have an adverse impact on the Ancient Woodland within the surrounding area. The Council's Ecological consultant has been consulted on the application and they have raised no objection to the proposal provided a condition is imposed to secure the mitigation and enhancement measures proposed by the submitted Preliminary Ecological Appraisal. They also recommend a lighting condition if required however the proposal does not include any external lighting and as such it is not considered to be necessary.

The Council's Newt Officer has also raised no objection to the proposal and recommended an informative advising the applicant of the duties in regard to the protection of Great Crested Newts. As such the proposal is considered to comply with the above-mentioned part of policies DP37 and DP38 of the Mid Sussex District Plan.

## **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 deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
- (b) the planning authority has approved the plan (see paragraph 15)'.

## **Other Matters**

A representation letter has been received which objects in part to the proposal's impact on the existing rights of way however given the existing rights of way are located outside the site and the proposal would not block or inhibit the use of the rights of way it is considered to be acceptable in this regard.

## **CONCLUSION**

In conclusion, due to the design, scale and nature of the proposed works is considered to maintain the quality of the rural and landscape character of the District. The proposal is also considered to be small-scale development which supports the economy and social well-being of the AONB and is compatible with the conservation and enhancement of natural beauty. It does not cause significant harm to the amenities of existing nearby residents and future occupants and the resulting parking arrangement and impact on highways safety are considered acceptable. The proposals impact on the existing biodiversity on the site and Ancient Woodland in the surrounding area is also considered acceptable. Therefore, the application complies with policies DP12, DP16, DP21, DP26, DP29, DP37 and DP38 of the Mid Sussex District Plan, policies EG1, EG3 and EG12 of the East Grinstead Neighbourhood Plan, the Mid Sussex Design Guide SPD, West Sussex County Council Guidance on Parking at New Development (September 2020), the High Weald AONB Management Plan 2024-2029 and the objectives of the National Planning Policy Framework.

Decision:       Permission

Case Officer: Hamish Evans