

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1205	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Proposal to erect six above ground columbariums for ashes interments and install a path in front of the columbarium.		
Site:	Mount Noddy Cemetery, Blackwell Road, East Grinstead, West Sussex, RH19 3HP, , ,		
Validation Date	16 Sep 2025	Overall Expiry Date:	19 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	20 Nov 2025
Target Date:	11 Nov 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	21 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1205

**Mount Noddy Cemetery, Blackwell Road, East Grinstead, West Sussex, RH19 3HP, ,
Proposal to erect six above ground columbariums for ashes interments and install a path in front
of the columbarium.**

Miss Ellie Lester

SUMMARY OF REPRESENTATIONS

One letter of objection was received to the first set of plans. This raised concerns regarding a lack of information being provided with the application.

Following the submission of revised plans, no further letters of representation were received.

SUMMARY OF CONSULTEES

MSDC Flood risk and drainage

No objection. This is subject to the development incorporating permeable surfaces to support natural drainage.

Southern Water

No objection.

INTRODUCTION

The proposal seeks planning permission to erect six above ground columbarium and a footpath.

RELEVANT PLANNING HISTORY

No relevant history.

SITE AND SURROUNDINGS

The application site is a graveyard. The site lies within the built-up area boundary of East Grinstead. The site is located to the northwest of Blackwell Road and is located off the Blackwell Hollow roundabout. The site is in an elevated position.

To the west of the site is Mount Noddy Recreation Ground. The site slopes to the southeast. Neighbouring properties are located to the north and south. The highway is located to the east and south.

APPLICATION DETAILS

The application seeks planning permission to erect 6 columbarium and to construct a new footpath to access the columbarium.

The columbarium would measure some 1.8 metres in width and some 1.4 metres in height, with a depth of some 0.5 metres. These would be constructed in oriental grey granite. These would be arranged back-to-back in two rows of three.

It is also proposed to plant a new hedge along the eastern and northern edge of the development boundary.

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) Any 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 Development Plan 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:

DP26 - Character and Design

DP41 - Flood risk and drainage

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.

Neighbourhood Plan

East Grinstead Neighbourhood Plan made in 2016.

Relevant policies:

EG3 - Promoting Good Design

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:

DPB1: Character and Design

DPS2: Sustainable Design and Construction

DPS4: Flood Risk and Drainage

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

Paragraph 39 of the NPPF states *'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide/Code

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.

ASSESSMENT

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

- Design and impact on character of the area
- Flood risk and Drainage
- Impact on the amenities of neighbouring properties
- Biodiversity Net Gain

Design and Impact on character of the area

Policy DP26 of the Mid Sussex District Plan states:

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

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.'

Policy EG3 of the East Grinstead Neighbourhood Plan relates to design and states that:

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

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) 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;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) 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*
- h) Proposals make provision for green infrastructure and biodiversity enhancement.*

The proposal would be seen within the context of the existing cemetery and would be of a modest form and scale. The form of the proposed development is considered to be proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area. The site is in an elevated position, however, due to the existing boundary treatments and the modest nature of the development, there would only be restricted views of the proposal from the surrounding area. In addition, the proposed screening would mean that there would be limited views of the proposal from the street scene. Furthermore, the proposed materials are considered to be high quality.

It is therefore considered that the proposal would not have a harmful impact on the character and appearance of the area.

Flood risk and Drainage

DP40 of the MSDC District Plan states in part that:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs. Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'

The application site lies within an area of high risk from surface water flooding to the east and south of the site. The development site lies outside of the risk area, to the west of the site. MSDC Flood risk and drainage were consulted on the application and have considered the proposal. They have raised no objection to the application, subject to the development incorporating permeable surfaces to support natural drainage.

Impact on the amenities of neighbouring properties

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states proposals should *'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).'*

To the north is nos. 1-10 Robin Close. Given the modest nature of the development and that the proposal would be offset from the shared boundary by some 49 metres, it is not considered that the proposal would be harmful to the amenities of this neighbour.

To the east is nos. 9- 31 Blackwell Farm Road. Given the modest nature of the development and that the proposal would be offset from the shared boundary by some 103 metres, it is not considered that the proposal would be harmful to the amenities of this neighbour.

To the south is nos. 15-41 Blackwell Road. Given the modest nature of the development and that the proposal would be offset from the shared boundary by some 125 metres, it is not considered that the proposal would be harmful to the amenities of this neighbour.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to

be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the East Grinstead Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposal is considered to be appropriate in terms of design, size and scale to the building and locality, and would not cause harm to the surrounding area or to the amenities of neighbouring properties.

In conclusion, the proposal would accord with the requirements of policies DP26 and DP41, of the Mid Sussex District Plan and policy EG3 of the East Grinstead Neighbourhood Plan and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin