

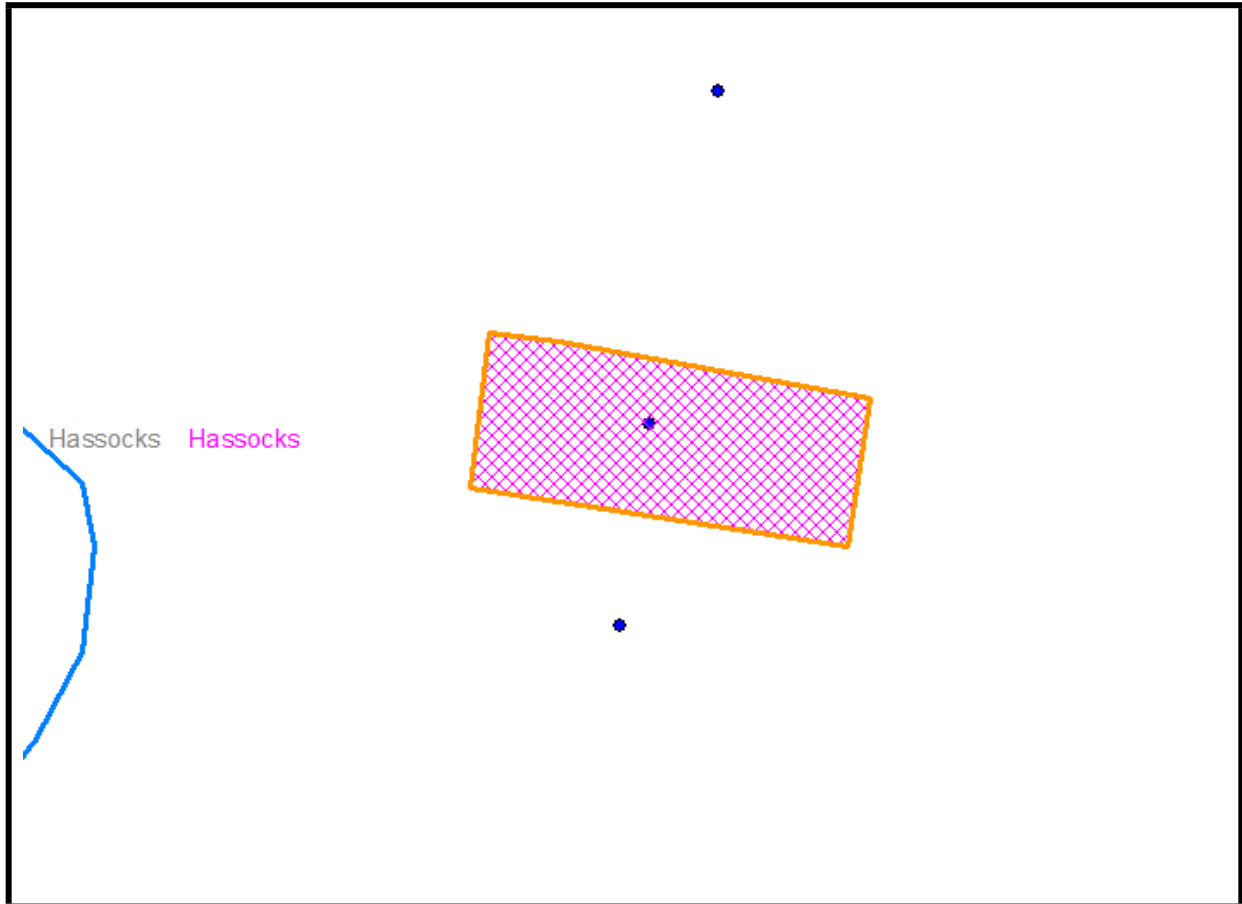
Planning Committee



Recommended for Permission

22nd May 2025

DM/25/0662



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Site:	38 The Fairway Hassocks West Sussex BN6 9JU
Proposal:	Erection of a greenhouse
Applicant:	Mr James Herod
Category:	Householder
Target Date:	27th May 2025
Parish:	Hassocks
Ward Members:	Cllr Sue Hatton / Cllr Kristian Berggreen / Cllr Chris Hobbs /
Case Officer:	Tanya Leete

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=ST2L4HKT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 Planning permission is sought for the erection of greenhouse at 38 The Fairway, Hassocks. The application has been referred to Committee because the applicant's partner is a member of Council staff who is involved in the planning process.
- 2.2 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.
- 2.3 The proposed greenhouse is considered to be of a design, form and scale that is acceptable to the existing dwellinghouse. Being sited to the rear of the property, the garden room would have limited visual impact in views from the public realm and is not considered to have a harmful impact upon the appearance and character of the residential area. The proposal is therefore considered to comply with policy DP26 of the District Plan and policy 9 of the Hassocks Neighbourhood Plan.
- 2.4 The garden room is single storey and will create no additional overlooking into neighbouring amenity areas and will therefore it is considered that no significant harm to the amenities of neighbours will arise from loss of privacy, overbearing impact or loss of daylight or sunlight. Therefore, in terms of neighbouring amenities, the proposal complies with policy DP26 of the District Plan and policy 9 of the Hassocks Neighbourhood Plan.
- 2.5 For the above reasons, the application is deemed to comply with policy DP26 of the Mid Sussex District Plan, policies 5 and 9 of the Hassocks Neighbourhood Plan and with the relevant provisions of the National Planning Policy Framework. Planning permission should therefore be granted.

3.0 Recommendation

- 3.1 It is recommended that planning permission be approved subject to the conditions

outlined at Appendix A.

4.0 Summary of Representations

- 4.1 No third-party letters of representation have been received in respect of this application.

5.0 Summary of Consultees

Nature Space Newt Officer

No objection, recommend informative.

6.0 Hassock Parish Council Observations

Recommend permission is granted.

7.0 Introduction

- 7.1 The application seeks planning permission for the erection of greenhouse at 38 The Fairway, Hassocks. The application has been referred to Committee because the applicant's partner is a member of Council staff who is involved in the planning process.

8.0 Relevant Planning History

- 8.1 DM/16/1775 - Comprehensive redevelopment comprising: up to 130 residential units; replacement golf clubhouse; new driving range; new golf holes; new maintenance store; strategic landscaping; and associated drainage and access works. Permission.
- 8.2 DM/18/2616 - Comprehensive redevelopment of the site comprising of 165 residential units (Use Class C3), landscaping, car parking and associated drainage and access works. Permission.

9.0 Site and Surroundings

- 9.1 The application site consists of a two storey, west facing, semi-detached dwelling. It is constructed of red brick external walls, a plain brown tile roof, white uPVC windows and dark uPVC doors. The dwelling includes a canopy porch, which extends across the adjoining property.
- 9.2 The application site is situated within the built-up area of Hassocks. To the north, south, east and west of the site are neighbouring dwellings, whilst the highway is to the west. The dwelling is set back from the highway by a garden area to the front and benefits from a paved drive, and a garage to the side.

10.0 Application Details

- 10.1 The application seeks planning permission for the erection of greenhouse.
- 10.2 The greenhouse will measure 1.6 metres in depth, 1.96 metres in width and 1.6 metres to the eaves and an overall height of 2.19 metres. It be located to the north-east rear of the dwelling within the existing rear garden area.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 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.'
- 11.3 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."
- 11.4 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.
- 11.5 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.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Site Allocation DPD and the Hassocks Neighbourhood Plan.
- 11.7 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

- 11.8 The District Plan was adopted at Full Council on the 28th March 2018. Relevant policies include;

DP26 - Character and Design

Site Allocation DPD

- 11.9 The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031. No policies are considered relevant to this application.

The Hassocks Neighbourhood Plan

- 11.10 The Hassocks Neighbourhood Plan was formally made on 24th June 2020.

Policy 5 - Enabling Zero Carbon
Policy 9 - Character and Design

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

- 11.11 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.

A list of relevant policies can be found here:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPB1 - Character and Design

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.12 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)

- 11.13 The NPPF is a material consideration with specific reference to decision-taking paragraph 47 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

Ministerial Statement and Design Guide

- 11.14 On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.
- 11.15 The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

12.0 **Assessment**

- 12.1 The main issues for consideration are:

- Character and design;
- Impact on amenities of neighbouring properties;
- Planning balance and conclusion.

Character and Design

- 12.2 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.'*

12.3 A similar ethos is found in policy 9 of the Hassocks Neighbourhood Plan which states:

'Development proposals will be supported where they have regard to the Hassocks Townscape

Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:

- 1. Is of high quality design and layout;*
- 2. Contributes positively to the private and public realm to create a sense of place;*
- 3. Respects the character and scale of the surrounding buildings and landscape;*
- 4. Protects open spaces and gardens that contribute to the character of the area;*
- 5. Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
- 6. Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
- 7. Creates safe, accessible and well connected environments;*
- 8. Protects existing landscape features and contributes to the village's Green Infrastructure network;*
- 9. Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
- 10. Positively responds to the local vernacular character of the defined Local Townscape Character Area'.*

12.4 The proposed greenhouse is of a sympathetic design and form due to its pitched roof nature which is similar to the existing dwelling. It is of a modest scale and being sited to the rear of the property, there would be limited views of the greenhouse from the public realm. As such it is considered to address and respect the character and scale of the surrounding buildings and landscape. The proposal is therefore considered to comply with policy DP26 of the District Plan and policy 9 of the Hassocks Neighbourhood Plan.

Impact on amenities of neighbouring properties

- 12.5 Policy DP26 of the Mid Sussex District Plan seeks to ensure 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);'*
- 12.6 A similar ethos is contained within the Mid Sussex Design Guide SPD.
- 12.7 Policy 9 of the Hassocks Neighbourhood Plan states that proposals will be supported when it: *'does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security.'*
- 12.8 Policy 9 of the Hassocks Neighbourhood Plan requires that development does not cause unacceptable harm to neighbouring amenities 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 9 of the Hassocks Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.
- 12.9 The boundaries around the rear garden of the application property are marked by close boarded fencing and as such only a modest amount of the top of the greenhouse will be visible above the fencing from neighbouring properties. The greenhouse is a single storey modest structure and will create no additional overlooking into neighbouring properties private amenity areas. Taking into account the above the proposal is considered to not cause unacceptable harm to the amenities of existing nearby residents.
- 12.10 Therefore, in terms of neighbouring amenities, the proposal complies with policy 9 of the Hassocks Neighbourhood Plan.

Sustainable Development

- 12.11 Policy 5 of the Hassocks Neighbourhood Plan states:
- 12.12 *'Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation'*
- 12.13 Owing to the small-scale nature of the proposal it is not considered to have any impact on the overall sustainability of the dwelling.

13.0 Planning Balance and Conclusion

- 13.1 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.
- 13.2 The proposal is considered to be appropriate in terms of design, size, and scale to the dwellinghouse and locality and would not cause significant harm to the amenities of neighbouring properties.
- 13.3 For the above reasons, the application is deemed to comply with policy DP26 of the Mid Sussex District Plan, policies 5 and 9 of the Hassocks Neighbourhood Plan, the Mid Sussex Design Guide SPD, and with the relevant provisions of the NPPF. Planning permission should therefore be granted.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.
3. No external materials shall be used other than those specified on the approved plans and application form without the prior approval of the Local Planning Authority.

Reason: To protect the appearance of the building and the area and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

Biodiversity Net Gain

Informatives

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan			13.03.2025
Block Plan			13.03.2025
Proposed Elevations			13.03.2025
Proposed Floor Plans			13.03.2025

APPENDIX B – CONSULTATIONS

Hassocks Parish Council

Recommend permission is granted.

Nature Space

It is considered that the proposed development would present a low risk to great crested newts and/or their habitats. However, as the development is within the red Impact Risk

Zone, as modelled by district licence mapping, I recommend that the following informative should be attached to planning consent:

'The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.'