

From: Graham Middle <graham.middle@lm-associates.co.uk>
Sent: 17 April 2025 17:20:51 UTC+01:00
To: "Anna Tidey" <anna.tidey@midsussex.gov.uk>
Cc: "Andrew Clarke" <Andrew.Clarke@midsussex.gov.uk>; "Steve Ashdown" <Steve.Ashdown@midsussex.gov.uk>; "Steven King" <Steven.King@midsussex.gov.uk>; "rjfierlden1@btinternet.com" <rjfierlden1@btinternet.com>
Subject: RE: EOT request for DM/24/2999 - 1A Lodgelands, Ardingly
Attachments: RE: Request for further EOT -DM/24/2999 - 1A Lodgelands Ardingly Haywards Heath West Sussex RH17 6SD

Dear Anna,

Thank you for your recent correspondence regarding the above application. While we continue to value your engagement with our client throughout what has become a lengthy process, we must formally express our concern regarding the significant delays in determining this application, as well as the latest comments received. We consider these comments to be factually inaccurate, procedurally unreasonable, and inconsistent with the established planning history of the site.

Additionally, we have made several proactive attempts to engage in constructive dialogue with you by both telephone and email, none of which have received a response. This lack of communication is regrettable and highlights shortcomings in the Council's approach, particularly given its duty to deal with planning applications in a positive, timely, and proactive manner in line with national and local guidance.

Length of time for determination

We note the council have now taken 16 weeks and three extensions of time to determine our client application. Which given the case officers advised reasons for recommending a refusal, the application could have been determined within the 8 week statutory period which it has not.

Procedural Background and 5-Year Housing Land Supply

As you will be aware, Mid Sussex District Council remains unable to demonstrate a five-year housing land supply. The most recent published figure, as per the Council's Annual Monitoring Report, confirms a persistent shortfall against identified housing need. In such circumstances, the National Planning Policy Framework (NPPF) requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

This requirement is a material consideration in this case and must weigh heavily in favour of granting consent. Furthermore, the direction of national planning policy, including the new Government's stated commitment to deliver 1.5 million new homes within the current Parliament, reinforces the urgent need for local planning authorities to positively and proactively facilitate sustainable residential development.

Site Planning History and Precedent

It is important to reiterate that the principle of residential development on this site has already been accepted through the approval of application DM/22/1334. While we acknowledge this consent is not yet implemented, it remains a material consideration and establishes a clear and reasonable baseline against which any new proposal should be assessed.

The current application follows this established principle, retaining a comparable footprint, layout, and relationship to neighbouring dwellings. The proposed ridge height, although modestly increased, remains well within the prevailing height context of surrounding properties, which to the north, west and south are all two-storey dwellings. It is therefore wholly inaccurate to suggest the proposals would be out of character with the surrounding pattern of development or unduly dominant in this setting.

Neighbouring Amenity Impact

We strongly refute the officer's suggestion that the proposed dwellings would give rise to material harm to neighbouring amenity. As the Planning Inspector in the appeal for application DM/18/4704 made clear, the only issue of concern related to site coverage and its effect on the character and appearance of the area. No concerns regarding overlooking, overshadowing, or loss of amenity were raised by either the Council or the Inspector at that time, despite the previous proposals being of comparable scale and siting to the current application.

The proposed dwellings do not introduce any new overlooking, and are only marginally closer to the neighbouring dwellings in college road, the footprint is also in line with that of the previously approved dwelling, and due to orientation will not result in a material loss of daylight, sunlight, or privacy.

Moreover, the most affected neighbouring property, 67 College Road, previously benefitted from a restrictive covenant on this land, which has been voluntarily removed by the neighbour following constructive discussions with our client, a clear indication that the immediate neighbour does not share the Council's purported concerns for loss of amenity.

Policy Context and Consistency

The Council's Mid Sussex District Plan (2014–2031) and the NPPF both support the principle of sustainable development and making the most efficient use of land within existing settlements.

- **District Plan Policy DP6** (Settlement Hierarchy) promotes new housing within towns and villages with suitable services and infrastructure, of which this site is one.
- **Policy DP26** (Character and Design) seeks to ensure that new development is well designed and respects the character of the area, which this scheme demonstrably does, given its consistency with surrounding two-storey properties and the established approval on site.
- **Policy DP28** (Accessibility) supports new development that makes efficient use of land within built-up areas, a principle aligned with the NPPF which encourages decisions to support developments that make optimal use of each site.

The current proposal fully accords with these policy objectives.

Appeal Prospects and Application for Costs

In view of the above, should the Council proceed to refuse the application on grounds of harm to future neighbours / amenities, a matter which has not previously been substantiated by either the Council or the Planning Inspectorate in earlier decisions, our client would have no alternative but to appeal. You will note that the planning act legislation states that only current issues / situations can be considered when determining an application and you should not be applying any decision on potential future scenarios. Furthermore, given the unreasonable nature of introducing wholly new objections at this late stage in the determination period and the demonstrable absence of evidential justification for such a reason for refusal, our client would be minded to submit a formal costs application under the provisions of the Planning Practice Guidance.

The failure to determine the application within the agreed timescales, coupled with the raising of unfounded objections that conflict with established decisions and material considerations, is highly likely to constitute unreasonable behaviour resulting in wasted expense for our client.

The Planning Inspector for application DM/18/4704 was entirely clear that the only issue of concern related to site coverage and its effect on the character and appearance of the area. The Inspector made no reference whatsoever to harm to the amenity of neighbouring properties.

The subsequent approval under DM/22/1334 addressed those site coverage concerns through an increase in amenity space provision, which MSDC accepted as overcoming the earlier reason for refusal. The current application continues to respect that principle.

Conclusion

In light of the Council's acknowledged housing land supply deficit, national policy requirements under the NPPF, the site's planning history, the absence of harm in amenity terms, and the site's wholly sustainable location, we respectfully submit that the officer's suggested reason for refusal is without merit and would not withstand scrutiny at appeal.

We therefore urge the Council to determine this application without further delay and to issue a favourable decision consistent with its own policies and national guidance.

Finally prior to a formal decision being issued I would like an opportunity to discuss this matter with Andrew Clark with whom I have left a voicemail for him to call me, following such discussions I will need to revert and take instructions from my client as to whether they wish to withdraw the application or proceed and appeal any adverse decision. Accordingly we reluctantly issue our agreement to a further EOT until 24th April 2025

We trust this clarifies our position and look forward to your response.

Yours sincerely,

Graham Middle

Principal

BA (Hons). Dip Arch. RIBA. CIOB. CIH.

L.M. Associates Ltd

Tel: 01444 484711

www.lm-associates.co.uk



From: Anna Tidey [mailto:anna.tidey@midsussex.gov.uk]

Sent: 17 April 2025 12:02

To: Graham Middle

Cc: Steve Ashdown; Steven King

Subject: EOT request for DM/24/2999 - 1A Lodgelands, Ardingly

Dear Graham

I have spoken to your client Mr Fielden earlier this morning.

I have advised him that I am working on the report for this application today, and that I am minded to recommend the application is Refused. Obviously I want to ensure that I fully explain the reasons for this decision in my Delegated report. **I am sorry, but due to various workload pressures I know that I will not be able to complete the report today. I have now scheduled to continue to work on the recommendation next week, after the Easter break.**

As you know the current EOT date runs to tomorrow, 18th April 2025, which is a Bank Holiday. **I am therefore writing to request a further short Extension of Time, to take**

this matter clear of the Easter break, to 24th April 2025. I hope that you can agree to this timescale by return email.

I have copied Steve Ashdown and Steve King into this reply, for their information.

Regards

Anna

Submit your planning application online.
<http://www.planningportal.gov.uk>

Anna Tidey BA(Hons) MPhil MRTPI
Planning Officer
Development Management

Tel: +44 (0)1444 477342
anna.tidey@midsussex.gov.uk <http://www.midsussex.gov.uk>



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