

Planning Statement

(Including Design & Access Considerations)

IN RELATION TO:

Change of use Conversion of Detached Garage at Land Rear of 36 Kings Drive, Hassocks, BN6 8DZ into a 1 Bed Dwelling, including part retrospective application for alterations to the existing as built out garage over plans approved under application DM/24/2689



1 INTRODUCTION

- 1.1 This Statement supports a full planning application for the change of use by Conversion of the Detached Garage on land at the rear of 36 Kings Drive Hassocks into a 1 bed Dwelling.
- 1.2 This Planning Statement is submitted in support of the above detailed planning application. The statement describes the site, its surroundings and the proposal itself. The Planning Policy background is considered along with an assessment of the proposal in light of the relevant policy and all other material planning considerations.
- 1.3 At the request of the Local Planning Authority, the application description has been amended to include the wording "part retrospective" to facilitate validation of the application. Along with copies of the original plans submitted with application DM/24/2689.
- 1.4 Subsequent correspondence has clarified that the retrospective element relates solely to the physical alterations to the garage when compared with the approved scheme under planning permission Ref. DM/24/2689, to include the installation of a ground floor rear-facing UPVC window and ground floor rear-facing glazed bifold doors and the replacement of two single garage doors with one double one, whereas the proposed change of use remains prospective as no residential conversion works have commenced.
- 1.5 This statement should be read in conjunction with the package of application drawings, which have been prepared by Paul Designs.
- 1.6 The application is also accompanied by the following technical reports:-
- Flood Risk Assessment
 - Self-build Statement, completed by the Applicants.
- 1.7 The application follows on from a similar submission made to Mid Sussex District Council in 2026 for a change of use of the detached garage into a new dwelling under **DM/26/0061** which was refused by the Council on 3 March 2026 contrary to the Parish Councils recommendation for approval.
- 1.8 The application was refused for the following reasons:
- 1.9 *"By virtue of the existing buildings low eaves and shallow roof pitch, it is considered that the proposed change of use to a dwelling would appear discordant and incongruous within the streetscene. It is considered that the proposed use would not correspond to the existing outbuilding appearance. Accordingly, the proposal would conflict with the provisions of Policies DP6 and DP26 of the Mid Sussex District Plan*

(March 2018); and Policies 9 and 14 of the Hassocks Neighbourhood Plan (July 2020); and Paragraph 135 of the National Planning Policy Framework (December 2024)."

- 1.10 *"The proposed development would provide insufficient internal floor space as well as outdoor garden amenity space to meet the needs of the current and future occupiers of the site. The creation of the new unit and subdivision of the site would also lead to an insufficient amount of private garden amenity space being retained at the existing host dwelling at No.36. As such, the proposal would fail to comply with Policies DP26 and DP27 of the Mid Sussex District Plan (March 2018); and Policy 9 of the Hassocks Neighbourhood Plan (July 2020)."*
- 1.11 *"Insufficient information has been provided through the form of a full flood risk assessment to demonstrate that the development would be acceptable from a floor risk and drainage perspective. As such, the proposal would fail to demonstrably comply with DP41 of the Mid Sussex District Plan (March 2018); and Policy 9 of the Hassocks Neighbourhood Plan (July 2020)."*
- 1.12 The applicant does not agree with the decision made by the Council and reserves their position on the previous application. Nevertheless, the current proposals seeks to respond to the decision made by the Council in the following ways;
- 1.13 Firstly regarding the Flood Risk to the proposed development, the revised & updated full flood risk assessment has been compiled for the site as well as a measured site survey that confirms that the (FFL) Finished Floor Level will be 740mm above the modelled (0.1% AEP) / 1 in 1000 year + CC (climate change) flood risk level which is well in excess of the 600mm requirement. This is explained in more detail in the accompanying flood risk report in section 9.3.
- 1.14 The flood risk report further confirms in section 9.4 that Safe Access & Egress can be maintained to the property during a flood as stated below;
- "The access and egress point to and from the Site will be via the driveway and Queens Drive." The highest 0.1% AEP flood level is 39.70m AOD, with the lowest level at the northern Site boundary being 43.03m AOD, with the lowest level within Queens Drive at the Site / driveway entrance being 39.81m AOD. As there is no flooding from any other source at the Site. Therefore, as all levels within the Site and levels along Queens Drive are higher than the 0.1% AEP fluvial flood level, safe access and egress can be made to and from the residential dwelling during all flood events."*
- 1.15 The proposed development therefore complies with Policy DP41 of the District Plan and Policy 4 of the Neighbourhood Plan. Therefore, this should no longer be used as a reason for refusing the application.

- 1.16 The submitted floor plans have now been amended to show a single bed. The application is for a 1 bed single person occupancy dwelling. This now meets the minimum room size requirement needed, being 39m² + 1m² of built in storage. As the internal floor area of the dwelling is 44.92m². This now comfortably meets and exceeds the minimum requirement. This confirms the revised development now complies with Policy DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage. This therefore should no longer be a reason for refusal.
- 1.17 Regarding the comments on the proposed building's "outbuilding appearance", attributed to its low-pitched roof and reduced eaves height and previously raised by the case officer as a reason for refusal. It is considered that this assessment is subjective and should therefore be afforded limited weight. The measured site survey confirms that the eaves height of the existing garage building is consistent with that of No. 36 Kings Drive. Furthermore, there is no adopted district design guidance prescribing the appearance or form of bungalow development. Yet referenced within Sections 4.11–4.14 of this report, there are several comparable low-pitched roof bungalows within Hassocks from which the proposed design has drawn inspiration. These examples demonstrate that the proposal reflects established and accepted local design characteristics in line with policy DP26 of the District Plan & Policy 9 of the Hassocks Plan. They also illustrate how buildings of this form can integrate successfully and harmoniously within the surrounding street scene, despite being set amongst neighbouring properties of varying height, in the same manner as the existing building currently does on the site.
- 1.18 As the original building design has been passed under application; **DM/24/2689** which deem it to fully comply with policies DP26 District Plan & Policy 9 of the Hassocks Plan. The only planning change is a change of use plus minor cosmetic alterations to the front elevation. The applicant disagrees with the council that the form, mass, height or roof pitch of a building that is already built causes harm to the character of the area by being converting into a bungalow dwelling. The officer's own report accepts variance in roof forms in the street scene and accepts that the findings of the 2025 garage permission remain applicable. The minor domestic alterations (new door, windows, porch, part-render) actually improve the appearance of what was previously a blank garage door. The proposal therefore responds positively to local character and the National Design Guide in line with policies DP26 District Plan & Policy 9 of the Hassocks Plan. This therefore should not be used as a reason of refusing the application.
- 1.19 It was also previously stated, and cited as a reason for refusal under application reference DM/26/0061, that insufficient garden amenity space would be retained for the host dwelling at No. 36 King's Drive. Whilst we disagree with this assumption, it is no longer relevant to the current application as the application site is in the process of being sold and fenced off and separated from the title plan of No. 36 King's Drive and therefore no longer forms part of the residential garden curtilage of that property. As such, the

matter of retained garden amenity space for No. 36 King's Drive should not be considered as part of the assessment of this application.

1.20 It was also previously stated, and cited as a reason for refusal under application reference DM/26/0061, that insufficient garden amenity space would be provided for the new dwelling. Whilst we disagreed with this assumption as External Garden amenity space is addressed in the Mid Sussex Design Guide SPD (adopted November 2020) at **Principle DG46, which requires only “usable private outdoor amenity space that is appropriate to the location and the type and size of accommodation”.**

1.21 We consider the proposed garden areas are considered functional, private, usable and proportionate to the scale of accommodation proposed. A photo of the garden amenity space is provided in section 4.27 along with a comparison of what the council considered acceptable garden amenity space for a similar development's within Hassocks that this proposal comfortably exceeds.

1.22 Lastly in the final summing up of the previous application in the officer's report it was stated that: ***“As there are no policies in the District Plan which positively favour development of this kind in this location, there would be a conflict with the development plan as a whole. These factors weigh heavily against the proposal.”***

1.23 This conclusion is inconsistent with the Officer's own earlier assessment of the proposal within the same report. In his detailed **ASSESSMENT** analysis of the proposal, the Officer confirmed that the development was acceptable in principle and compliant with the following policies:

Principle of Development (District Plan Policy DP6 and Neighbourhood Plan Policy 14):

The planning officer stated the following regarding policy DP6;

“As the proposed development is within the built up area of Hassocks, a Category 2 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:”

The planning officer then stated the following regarding Neighbourhood Plan Policy 14;

“The principle of developing a single new build dwelling within a defined settlement boundary is considered to be acceptable, owing to the site's sustainable location.”

With regards to Highways and Parking (District Plan Policy DP21):

The planning officer stated the following;

“The proposal is considered to therefore comply with the provisions of DP21 of the District Plan on highways grounds.”

With regards to Impact on Neighbouring Amenities (MSDP DP26 & Policy 9):

The planning officer stated the following;

“To this end, the proposal would result in an acceptable impact in terms of the impact on this neighbouring dwelling.”

With regards to Sustainability (District Plan Policy DP39):

The planning officer stated the following;

“Accordingly, it is considered that the proposed development will be compliant with Policy DP39 of the District Plan.”

The officer also confirmed compliance with **Ashdown Forest policy** and the requirements for **Net Biodiversity Gain**.

- 1.24 The current revised proposal continues to comply with all of the above policies. In addition, it now also complies with **Policies DP26 & Policy 9, DP27 and DP41** explained in detailed later within the report below.
- 1.25 Despite these clear acknowledgements of compliance, in the officer’s final conclusion it appears that they completely disregarded the multiple policies with which the development proposal complies that positively support and favour the application. As a direct result, it appears that key material considerations were omitted and thus not accurately considered in the final planning balance. This is plainly evident from the officer’s statement where he said:
*“As there are **no policies** in the District Plan which positively favour development of this kind in this location, there would be a conflict with the development plan as a whole. These factors weigh heavily against the proposal.”*
- 1.26 This conclusion that *“As there are **no policies** in the District Plan which positively favour development of this kind in this location,”* appears inconsistent with the officer’s own preceding assessment, which identified several areas of policy compliance and acknowledged that the proposal is supported by key material considerations favouring development.
- 1.27 This omission of compliant policies from the final planning balance suggests that the development plan may not have been considered as a whole, contrary to the statutory duty contained within:
- Section 38(6) Planning and Compulsory Purchase Act 2004.
- 1.28 Whilst The officer correctly acknowledged that the Council cannot demonstrate a five-year housing land supply. Consequently, the **“tilted balance”** is engaged and the

presumption in favour of sustainable development under the National Planning Policy Framework must be applied.

- 1.29 The officer also correctly recorded the legal position that: ***“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.”***
- 1.30 Nevertheless, the officer’s ultimate recommendation rested on the demonstrably incorrect assertion that *“there are **no policies** in the District Plan which positively favour development of this kind in this location.”* That statement is factually wrong, as the officer himself had already accepted compliance with multiple policies earlier in the report. This error underpinned the finding that the adverse impacts ***“significantly and demonstrably outweigh the benefits”***, despite the clear policy support identified in the body of the report. And on the backdrop that the ***“tilted balance”*** is engaged and therefore the presumption is in favour of sustainable development under the National Planning Policy Framework and must be applied. Had the correct assertion of the facts been made in the final summing up of the officer’s report, it is clear that a different conclusion would have been reached resulting in the granting of planning permission.
- 1.31 Lastly there were no letters of complaint against the proposal from neighbouring residents, and the local parish council recommended approving the development.
- 1.32 It will be demonstrated later in this statement how the current revised proposal directly responds to the previous reasons for refusal and why the application should now benefit from the presumption in favour of sustainable development under the “tilted balance” and local policy compliance.

2 SITE CIRCUMSTANCES

- 2.1 The Application site comprises a detached double garage situated on residential garden land to the rear of No. 36 Kings Drive.
- 2.2 The site is located centrally within Hassocks village, within the built-up area boundary and a short walk (3-4 minute) from all necessary daily services and facilities including shops, cafes and amenities along the High Street.
- 2.3 The garage sits in line with the existing established building line of the street. And comprises a brick face building, with the front elevation incorporating a large white metal garage door and a low-pitched pan tile roof. Which sits lower than the surrounding residential properties.
- 2.4 At the front of the site is a block paved driveway with dropped curb onto Kings Drive that has space for parking two vehicles. To the rear of the garage is a paved patio area and grass lawn.
- 2.5 The site is located in a residential area, with residential dwellings surrounding the site on all boundaries.
- 2.6 The neighbouring properties on Kings Drive are predominantly a mix of semi-detached houses and detached & Semi-detached bungalows, with many of the houses dating from the 1930s. Many have been extended or remodelled over time. With the exteriors being finished in either brick, part brick, part render and full render finishes.
- 2.7 In terms of access, the site is currently accessed from Kings Drive Road that merges into Queens Drive. This leads onto Grand Avenue which has a number of bus stops, with further bus stops available on the High Street to the south connecting the site to the surrounding towns of Ditching, Hurstpierpoint, Burgess Hill and Brighton. The closest train station to the site is Hassocks approximately 0.5 miles from the site, this can be reached by foot in approximate 10 mins and bicycle in approximately 2 mins, alternately by bus or car and provides a regular service to Brighton, London and Gatwick Airport. This in combination with the proximity of local facilities and services results in the site being in an extremely sustainable location.
- 2.8 The Gov.uk Flood Map for Planning online resource confirms that the Site is located within Flood Zone 1 as designated by the Environment Agency, meaning the site has the lowest risk of flooding from rivers and the sea. In addition, this same resource also advises that the site and immediate surrounding area is not at risk from flooding from surface water.

2.9 A full Flood Risk Assessment is submitted with the application.

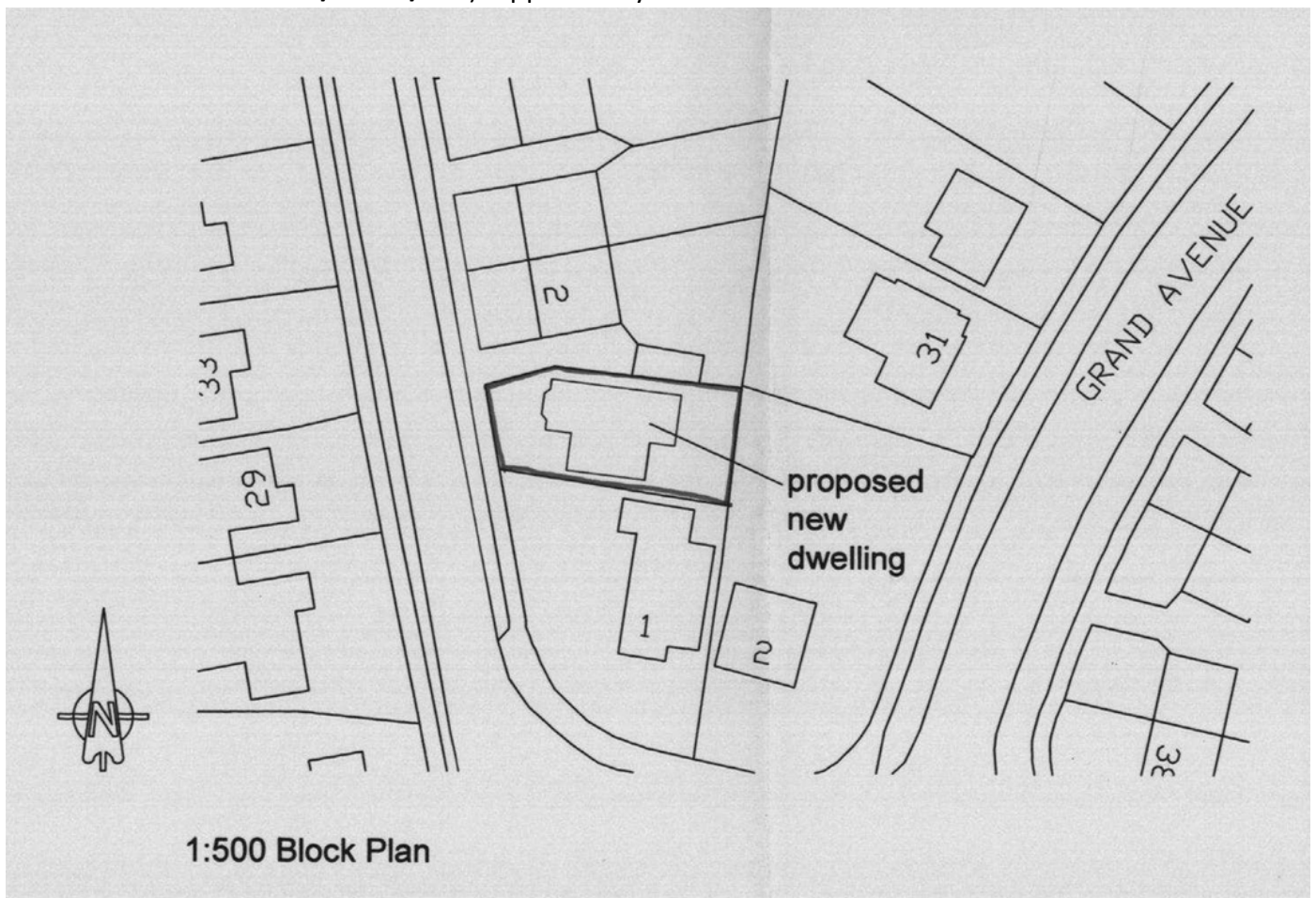
2.10 According to the Council's TPO map, there are no tree protection orders near to the site.

2.11 It is understood that there are no Listed Buildings located within the vicinity of the site. The Site is also outside and not appreciable close to any Conservation Area.

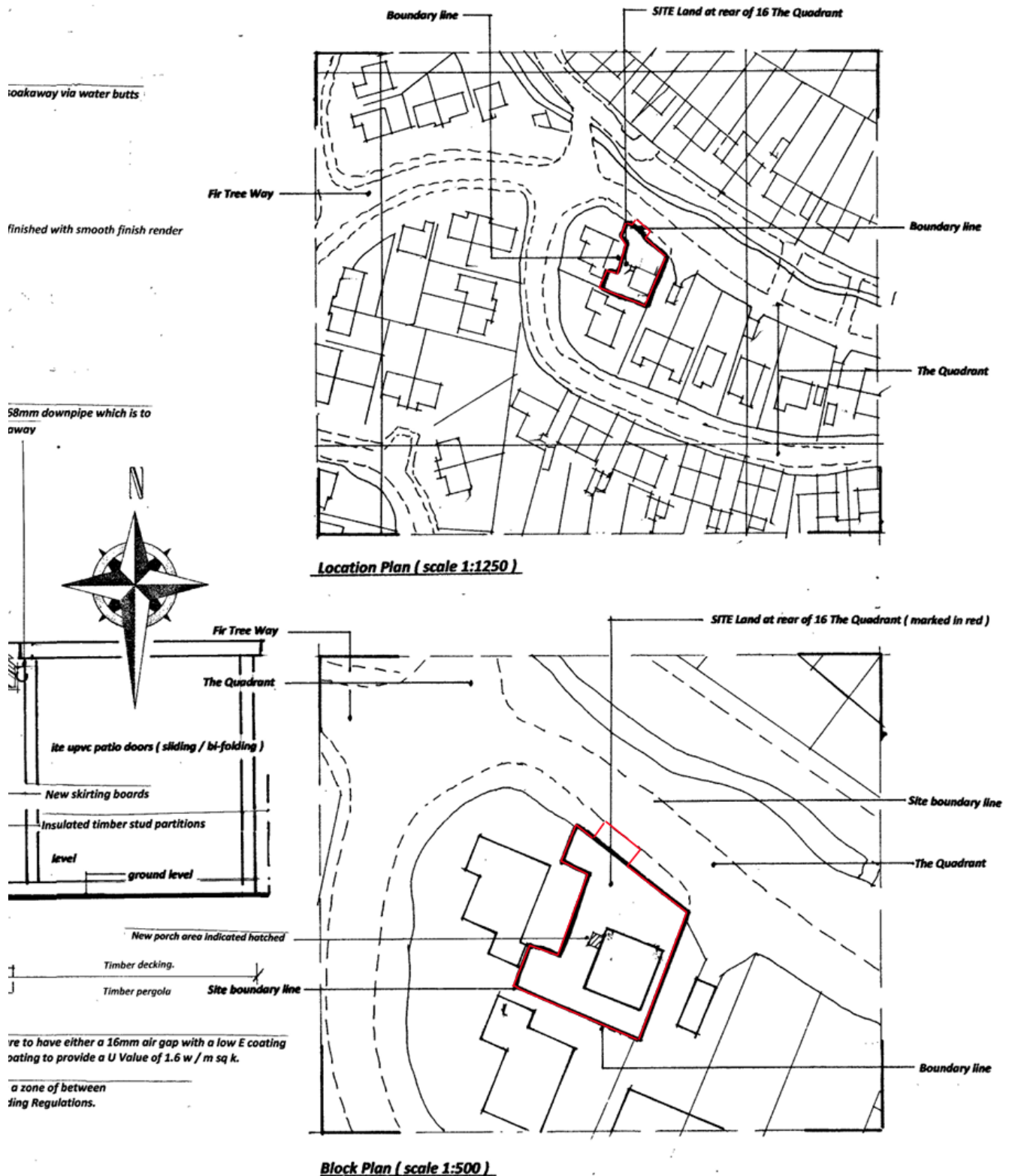
2.12 The application site is located within the built up area boundary of Hassocks. Its location is therefore deemed to be in a sustainable location and will therefore comply with Policies DP4 and DP6 of the MSDC development plan and is therefore designated as sustainable location in planning policy terms.

Nearby Sites

- "No. 1 The Close" has been granted planning permission for the erection of 1 No. self-build dwelling house (**now called 2a Kings Drive - ref: 10/00464/FUL**). Approved by the council on the 30th Mar 2010

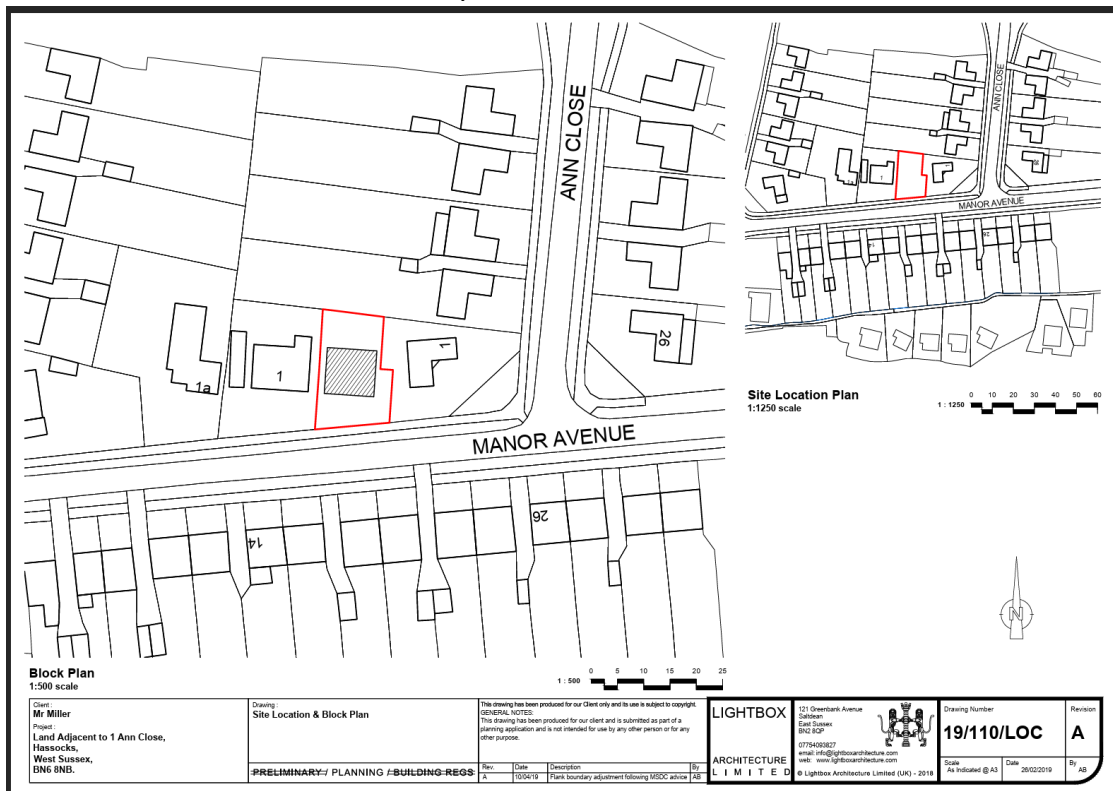


- 16A The Quadrant Hassocks has recently been granted planning permission for the ***(Retrospective change of use of existing double garage to a one bedroom detached dwelling which has had the addition of new windows, doors and rendering and the addition of a new porch as well as new pergola and decking. Ref: DM/24/2612)***, which was Approved and granted permission by the council on Tue 28 Jan 2025.

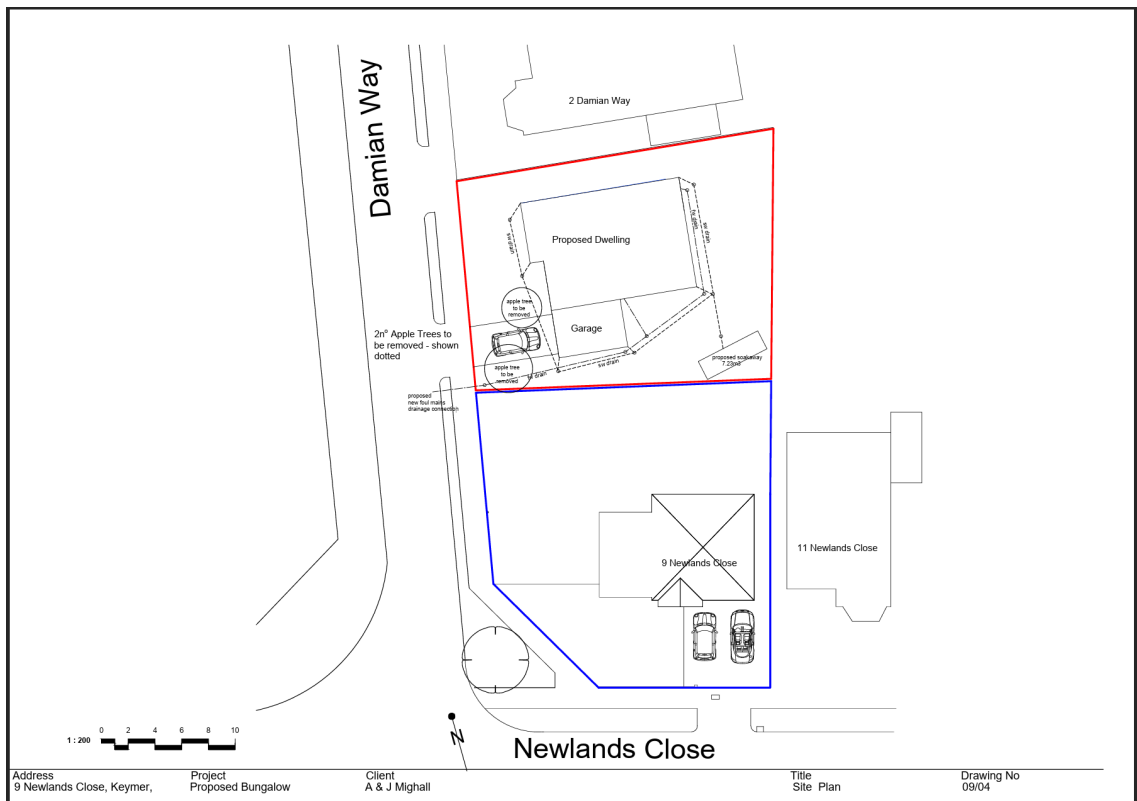


Prior to this the site was formerly Garden Land at the Rear Of 16 The Quadrant Hassocks West Sussex BN6 8BP, which under the planning application (Ref: **DM/20/3160 - Proposed change of use - conversion of existing double garage into a one bedroom holiday let.**) Was Approved and granted Permission from the council on Fri 20 Nov 2020

- There is also a recent permission (**planning ref: DM/19/1008**) for a new dwelling adjacent to No.1 Ann Cose Hassocks. This was approved by the District Council on 8th May 2019.



- There is also a recent permission (**planning ref: DM/20/3394**) for Removal of existing single garage and erection of 3 bedroom bungalow at land to the rear of 9 Newlands Close. (**Amendments to previously approved DM/20/1642**) This was approved by the District Council on 17th Feb 2023 with Application **DM/20/1642** approved by the council on 13th July 2020



3 PLANNING HISTORY

3.1 Application Site

According to the Council's online planning records, No. 36 Kings Drive as the following planning history:-

- Planning ref: DM/24/2689: Extension and alteration to existing garage, including new pitched roof. Approved 10th March 2025
- Planning ref: DM/26/0061: PART RETROSPECTIVE SINGLE STOREY DWELLING. Refused 3rd March 2026

4 Application Proposal (including Design and Access Considerations)

4.1 It is proposed to convert the existing detached garage into a self-contained 1 Bed Single Person Dwelling.

4.2 Use

It is proposed to retain the existing garage building currently on site and convert this into a 1 Person Single occupancy Dwelling. The use of the site would therefore remain residential, which is in keeping with surrounding land uses.

4.3 Amount

No enlargement or alterations to the external fabric of the existing garage building is being proposed. The current internal floor space of the garage is 44.92m².

The proposals include:

- a) The conversion of the existing detached garaging.
- c) The retention of the existing driveway entrance and parking area.
- d) Associated Hard & Soft landscaping works.

The accommodation would be arranged as follows:

1 x self-contained one-bedroom dwellinghouse (Use Class C3)

4.4 Layout

The layout of the existing garaging and its site context can be viewed on the accompanying existing plan and elevation drawings.

4.5 The ground floor layout of the proposed dwelling provides well-proportioned accommodation, with a bedroom, bathroom and open planned Kitchen, dining and living room. This living space provides access to a garden via its bi-folding doors.

4.6 This has been designed to be fully compliant and meet and exceed the Nationally Described Space standards and the provision of sizes of rooms and storage.

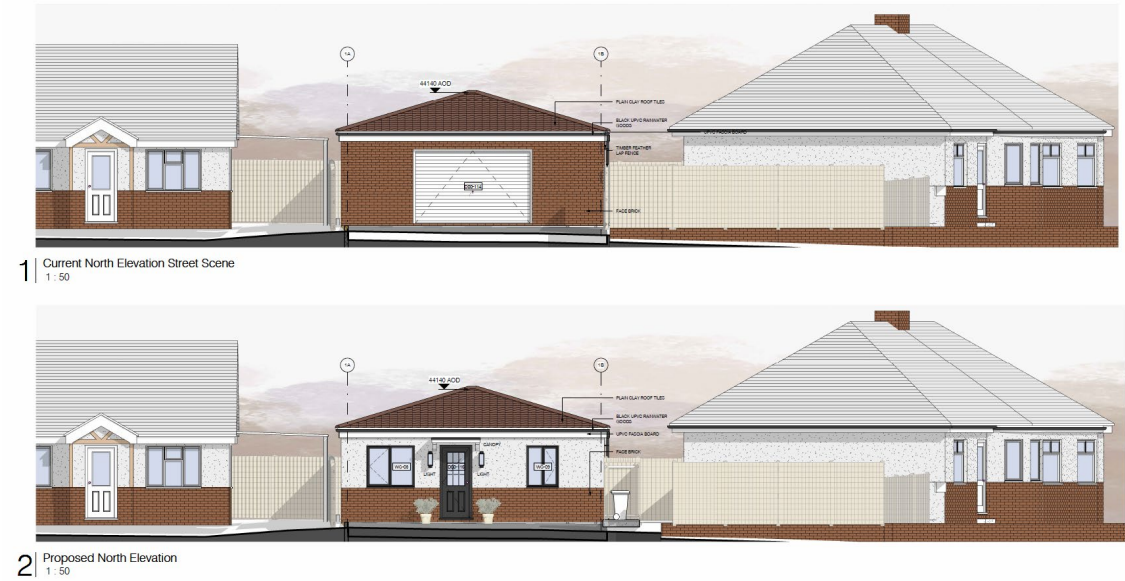
4.7 Scale

In order to facilitate the proposed development. It is proposed to convert the existing garage by retaining the existing footprint and roof structure of the building. Meaning that the existing height and mass of the building will remain the same within the existing street scene.

4.8 Appearance

The proposed dwelling will present a modest appearance change to the front elevation facing the Kings Drive road. The only visible aesthetic change to the building from the existing street scene will be the replacement of the white double garage door with a

standard UK UPVC Front door and two standard UK UPVC windows. Matching the neighbouring property and host dwelling. Shown below is an example of the proposed changes on the street scene.



4.9 Current Street Scene View



4.10 Proposed Street Scene View



4.11 Other Examples of other bungalow designs in Hassocks

All of which demonstrate that low-pitched roof bungalows are a common and accepted form of development in this locality.

10, The Orchard, Hassocks BN6 8HH

Last listed: November 2023

 Floorplan



4.12 Example of a low-pitched roof Bungalow on Grand Avenue between two higher buildings



4.13 Example of a Low Pitched Roof Bungalow in Hassocks

South Bank, Hassocks, BN6
£850,000

Floorplan



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4.14

22 of 22

South Bank, Hassocks, BN6
£850,000

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4.15 Access

The planning proposal will utilize the existing access to the site. As detailed on the submitted Block and Location Plan.

- 4.16 The existing front area to the garage is to be retained and comprises of a block-paved driveway made of permeable/porous material. This area provides level access to the front entrance door and accommodates off-street parking for two vehicles.

4.17 Level Access and Entry

The property design prioritizes accessibility with level access provided throughout the ground floor, linking the internal living spaces seamlessly. Specifically, the block-paved driveway transitions directly to the front entrance door. This same level access configuration continues to the rear via the bi-folding patio doors, ensuring a smooth threshold entry and exit at all external doors.

4.18 Parking

A total of two car parking spaces are provided on the front block-paved driveway. A check on Mid Sussex parking calculator for new builds confirms this is a sufficient car parking allowance for a 1 bed property.

4.19 Lighting

Exterior low-energy lighting will be installed to illuminate the main front entrance door and the access path.

4.20 Storage

A secure, lockable cycle storage container will be situated on the block-paved driveway.

4.21 Building Regulation Compliance

To meet accessibility standards, all doorways, corridor widths, and floor levels comply fully with Part M of the Building Regulations (Access to and use of buildings).

4.22 Waste & Recycling

The proposals include provision for A dedicated area at the front of the property to provide an off-street location for a covered bin storage, accommodating local authority-supplied refuse and recycling containers for both landfill waste and recycling, as well as green waste.

4.23 Flood Risk

The site is not within a Flood Risk Area; it is within Zone 1 on the Environment Agency Mapping. The proposal is therefore in accordance with the aim set out within the NPPF to steer new development to areas with the lowest probability of flooding. Whilst not normally required, A full detailed flood risk assessment accompanies the application that clearly shows that all finished floor levels will be in excess of the 600mm required for the nearest 1 in 100 year + CC (Climate Change) modelled flood risk level.

4.24 **Foul Water**

It is proposed that the Foul Water is dealt with by way of connecting into the existing sewer system that serves the dwelling at No.36.

4.25 **Surface Water**

As there is no enlargement in the footprint of the building the existing Surface Water (SUDS) setup is to be retained and used.

4.26 **Landscaping**

Finally, the development proposal will include hard and soft landscaping works.

4.27 **Rear Garden Area**

The existing rear garden is designed for usability and low maintenance, comprising a level patio area directly outside the living room bi-fold doors and a grass lawn. The proposed garden areas are considered functional, private, usable and proportionate to the scale of accommodation proposed.

4.28 It was also previously stated, and cited as a reason for refusal under application reference DM/26/0061, that insufficient garden amenity space would be provided for the new dwelling. Whilst we disagreed with this assumption as External Garden amenity space is addressed in the Mid Sussex Design Guide SPD (adopted November 2020) at Principle DG46, which requires only ***“usable private outdoor amenity space that is appropriate to the location and the type and size of accommodation”***.

4.29 We consider the proposed garden areas are considered functional, private, usable and proportionate to the scale of accommodation proposed. A photo of the garden amenity space is provided in section 4.27 along with a comparison of what the council considered acceptable garden amenity space for a similar development's within Hassocks that this proposal comfortably exceeds.

4.30 Proposed Garden Amenity Area of New Development



4.31 For comparison, this is the garden amenity area for No. 16a The Quadrant Ref: DM/24/2612, that was considered sufficient



4.32 **Image of 2a Kings Drive Garden Passed Under Ref:10/00464/FUL**



4.33 **Boundary Treatments and Privacy**

The established boundary fencing currently separating the site from adjoining neighbours will remain, providing immediate, natural screening and privacy.

4.34 A dedicated flower/shrub planting bed, constructed with timber sleepers, runs partly along the boundary fence and will be planted with various plants and shrubs to further enhance the green screening effect. A proposed visualisation of this has been shown above in section 4.10.

4.35 **Sustainability Statement**

4.36 The proposal has been designed to ensure the proposed dwelling achieves a very high level of sustainability primarily through its low energy use. It is envisaged the following will be incorporated:

- The thermal performance of the new building fabric will far exceed the standards determined by Building Regulations Part L.
- High performance double-glazed windows and doors with gas-filled cavities.
- The installation of low energy light fittings throughout the property, to reduce electricity consumption
- The provision of an electric car charging point, to encourage the use of electric vehicles.

Conclusion

- 4.37 By virtue of its design and detailing, the proposed conversion to a dwelling demonstrates an exceptionally high standard of design. The proposals will result in a building of strong architectural merit that seamlessly fits into the established street scene.

The following can be concluded:

- 4.38 The proposed dwelling is sensitive in its scale, adopting the fabric of the existing building. The design reflects the character of the existing street scene and other established bungalow designs within Hassocks. The proposed dwelling remains subservient to the neighbouring properties.
- 4.39 The proposed dwelling will not affect the amenity of the neighbouring occupiers owing to its positioning within the site, and the proposed screening to supplement, and complement, the existing boundary treatments.
- 4.40 The proposed dwelling will be highly sustainable in both its construction and in its energy use, through the adoption of a 'fabric first' approach.
- 4.41 The proposed hard and soft landscaping works, including works to the existing driveway and parking area, along with sensitive planting, will greatly enhance its setting and protect the character and integrity of the street scene and comply with both Policy DP26 of the district plan and Policy 9 of the Hassocks Neighbourhood plan.
- 4.42 The proposed conversion of the existing garage into a high-quality, self-contained 1-bed dwelling represents a sensitive and sustainable form of development that fully addresses the three reasons for refusal of the previous application (DM/26/0061).
- 4.43 By retaining the approved building form and making only modest, positive alterations to the front elevation, the proposal respects and enhances the character of the street scene in accordance with Policies DP26 and DP6 of the District Plan and Policy 9 of the Hassocks Neighbourhood Plan. The scheme now comfortably exceeds the Nationally Described Internal Space Standards for a 1 bed property.
- 4.44 We consider the proposed garden areas are considered functional, private, usable and proportionate to the scale of accommodation proposed. A photo of the garden amenity space is provided in section 4.27 above along with a comparison of what the council considered acceptable garden amenity space for a similar developments within Hassocks that this proposal comfortably exceeds. Therefore, the development complies with Principle DG46 Mid Sussex Design Guide SPD which requires only ***“usable private outdoor amenity space that is appropriate to the location and the type and size of accommodation”***.

4.45

A comprehensive Flood Risk Assessment demonstrates that safe finished floor levels and access/egress can be achieved in all flood events.

4.46 In the context of Mid Sussex District Council's inability to demonstrate a five-year housing land supply, the tilted balance in paragraph 11(d) of the NPPF is engaged. The proposal delivers a much-needed self-build home on previously developed garden land in a highly sustainable location, with no unacceptable harm arising. The benefits of the scheme significantly and demonstrably outweigh any residual adverse impacts.

5 LEGAL FRAMEWORK AND LIST OF POLICIES

5.1 PLANNING POLICY

5.2 National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) was originally published in 2012, and has been subject to a number of revisions subsequently, with the most recent version being published on 12th December 2024.

5.3 The NPPF confirms that planning law, as set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.4 The focus of the revised NPPF continues to be achieving sustainable development. The NPPF clarifies that “at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs” (taken from Resolution 42/187 of the United Nations). However, at paragraph 8 the Framework sets out that in planning terms, and in order to achieve sustainable development there are “three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)”. These objectives are economic, social and environmental, which “should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area” (paragraph 9).

5.5 Paragraph 11 is an important element of the NPPF. It states that: “Plans and decisions should apply a presumption in favour of sustainable development... For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing

well-designed places and providing affordable homes, individually or in combination”.

5.6 Paragraph 12 confirms that “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”.

5.7 Paragraph 14 is relevant in this case. It states “In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 69-70);

5.8 Section 4 of the Plan refers to Decision Making. At paragraph 39 of the Framework, it sets out that “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”.

5.9 The Framework also sets out that there are only limited circumstances where decision-makers should give weight to policies in emerging plans, and generally “refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan” (paragraph 51).

5.10 Section 5 relates to delivering a sufficient supply of homes. It reiterates at paragraph 61 that the Government’s objective is to significantly boost the supply of new homes. Paragraph 65 confirms that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

5.11 Paragraph 72 states that “strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- a) specific, deliverable sites for five years following the intended date of adoption ; and
- b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period”.

5.12 Paragraph 73 continues “Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
- b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;
- c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;
- d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
- e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes”.

5.13 Paragraph 74-75 note that “neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 73a) suitable for housing in their area....Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”.

5.14 With regard to housing supply, paragraph 78 states that “Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of

five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. 39 The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
- b) 20% where there has been significant under delivery 40 of housing over the previous three years, to improve the prospect of achieving the planned supply; or
- c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework 41 , and whose annual average housing requirement 42 is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance".

5.15 Paragraph 82 states that in rural areas "planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing".

5.16 it goes on to state at paragraph 83 that "to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby".

5.17 Section 9 discusses promoting sustainable transport, including the need to support opportunities, and give priority to walking, cycling and public transport, in addition to creating places that are safe, accessible, address the needs of people with disabilities, and are designed to enable charging of plug-in and other ultra-low emission vehicles.

5.18 At paragraph 110 the Framework confirms that "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making".

5.19 Paragraph 113 sets out that "Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport".

- 5.20 Paragraph 115 confirms that the main considerations in transport terms when determining specific planning applications is that proposals should provide:
- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 48 ; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach”.
- 5.21 At paragraph 116, the framework also confirms that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”.
- 5.22 Section 11 is entitled ‘Making effective use of land’. Paragraph 119 confirms that “”planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”.
- 5.23 Paragraph 125 sets out that decision makers are required to give regard to benefits of development, including environmental gains, and should “(c) give substantial weight to the value of using suitable brownfield land within settlements for homes
- ...[and] (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively...”.
- 5.24 Paragraph 127 states that “decisions need to reflect changes in the demand for land.... applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area”.
- 5.25 Paragraph 129 discusses the need to achieve appropriate densities. Account needs to be given to the identified need for different types of housing and the availability of land suitable for accommodating it, local market conditions, sustainability, existing character and setting, and “the importance of securing well-designed, attractive and healthy places.”
- 5.26 Paragraph 130 states that “Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that

planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site...local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)”.

5.27 Section 12 refers to achieving well-designed and beautiful places. Paragraph 131 states “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development...”.

5.28 Paragraph 135 sets out that “decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

5.29 Paragraph 136 notes that “trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users”.

- 5.30 Paragraph 139 confirms that “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design , taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes”.
- 5.31 Further parts of the Framework that are of particular note include Section 14, which relates to meeting the challenge of climate change, flooding and coastal change and section 16 which relates to conserving and enhancing the historic environment.

The District Plan 2014 - 2031

- 5.32 The District Plan was adopted March 2018 and forms part of the Development Plan against which this application will be assessed and determined. However, the Plan is now in excess of 5 years old. Paragraph 34 of the NPPF states that “policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary . Reviews should be completed no later than 5 years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every 5 years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future”.
- 5.33 Policy DP4 is the Council’s general housing policy. It sets out that an average of 876 dwellings are required per annum until 2023/24, after which the need increases to 1,090 per annum until 2030/31.
- 5.34 Policy DP6 of the District Plan relates to Settlement Hierarchy and designates both Hassocks and Hurstpierpoint as category 2 Settlements, which are described as “larger villages acting as Local Service Centres providing key services in the rural area of Mid Sussex. These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport”.
- 5.35 Policy DP26 relates to Character and Design and states that “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 DP29);
- 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”.

5.36 The following policies are also considered of relevance:-

Policy DP1: Sustainable Economic Development

Policy DP5: Planning to Meet Future Housing Need

Policy DP13: Preventing Coalescence

Policy DP21: Transport Policy

Policy DP27: Dwelling Space Standards

Policy DP28: Accessibility

Policy DP39: Sustainable Design and Construction Policy

Policy DP40: Renewable Energy Schemes

Policy DP41: Flood Risk and Drainage

Neighbourhood Plan

5.37 The Hassocks Neighbourhood Plan was made on the 24th June 2020 and forms part of the development plan.

5.38 The relevant policies in this case are understood to be as follows:

Policy 4 (Managing Surface Water),
Policy 5 (Enabling Zero Carbon),
Policy 9 (Character and Design),
Policy 14 (Residential Development Within and Adjoining the Built-Up Area Boundary of Hassocks).

Mid Sussex Design Guide Supplementary Planning Document (SPD)

5.39 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.

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

5.40 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.

5.41 The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024.

5.42 Most recently on 4th April 2025, the Inspector wrote to the Council with her Stage 1 findings, and concluded that the Council have failed the duty to cooperate, noting that “the presence of constraints does not obviate the necessity for MSDC to explore the possibilities of doing more to help address the unmet needs of the wider sub-region. The failure here is that the Council has not adequately considered the requests of its neighbours – namely Crawley, Horsham and Brighton and Hove, in a constructive, active and ongoing way. The Council has, consequently, not maximised the effectiveness of plan preparation... there are two options open to the Council, either to withdraw the Plan from examination or to ask that I write a report of my conclusions. I should say that the latter would involve further expense, and that the contents of the report would likely be very similar to this letter.”

5.43 We are aware that there is ongoing correspondence between the Council, the Government and the Planning Inspectorate in respect of this matter. As it stands today, the draft Plan has not been withdrawn.

5.44 However, given the Inspector’s findings, we consider that no weight can be given to the draft Plan, and this Planning Application should therefore be assessed against the policies of the adopted District Plan, the Neighbourhood Plan, the NPPF, and other relevant planning guidance.

6 ASSESSMENT

Principle of Development and associated benefits

6.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 states that “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.”

6.2 Section 38(6) Planning and Compulsory Purchase Act 2004 states that “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.”

6.3 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.

6.4 Using this as the starting point, the development plan in this part of Mid Sussex consists of the Mid Sussex District Plan and the Hassocks Neighbourhood Plan.

6.5 We are aware of a housing scheme recently determined at Appeal (Public Inquiry), for a site at Scamps Hill in Lindfield (planning ref: DM/24/0446; appeal ref: APP/D3830/W/24/3350075). At this time, the Inspector considered the issue of Housing Land Supply, noting that “the Council suggest they have 3.38 years housing land supply, whereas the Appellant suggests it is 2.41 years. The variation is due to the differences in anticipated delivery of various large sites. However, as both parties agreed to describe the shortfall as significant, the issue was not contested at the Inquiry”. It is therefore clear that at this time, MSDC are unable to demonstrate a five year housing land supply.

6.6 This point is confirmed by the Council within their recent decision on Twinham, 34 Hurst Road DM/25/0310 where they stated that “having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF”.

6.7 This point is further confirmed by the Council within their recent publication of Position Statement 1: Delivering Sustainable Development In Mid Sussex December 2025, where in Paragraph 2.11 the council states the following:

“As the Council can no longer demonstrate a five-year supply of housing, NPPF paragraph 11d, footnote 8 indicates that policies that affect the supply of housing may be considered out of date. This reduces the weight that may be given to such policies and engages the ‘tilted balance’ in decision making. Appendix A sets out the weight that the Council applies to its adopted policies.”

6.8 It should be noted that, in applying the ‘tilted balance’ under Paragraph 11 NPPF, both the shortfall, and extent of shortfall are of relevance. In this regard, the 2.41 - 3.38 year supply figure is very well short of the required figure.

6.9 The presumption in favour of sustainable development is therefore engaged, and paragraph 11(d) of the NPPF applies. The policies most relevant to new housing are out of date, and permission should be granted for new housing unless:

“i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.

6.10 The relevant planning considerations falling within these Policies will be considered in detail below, however, it is considered that the proposal fully accords with the above Policy considerations as it will:

- Promote the best use of previously developed land;
- Is in a highly sustainable location within the Hassocks neighbourhood;
- Will help to support current business within the village by introducing additional residential accommodation and thereby improving the vitality of the area and local support for shops and services;
- Will provide a high quality, self-contained unit that accords with the relevant technical space standards.
- Will not adversely impact residential amenity given the relationship to neighbouring properties
- Will utilise and repurpose an existing building within the established context;

- Will encourage the use of alternative modes of transport to the private car by locating development in a highly sustainable location with good access to public transport.

6.11 Furthermore, the application will deliver a useful windfall of 1 additional residential dwelling unit, in the context of a significant shortfall in the 5-year supply of housing that the Council is required to maintain. The delivery of housing in these circumstances is a key consideration that attracts significant weight in the planning balance and is capable of outweighing other considerations.

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

- Principle
- Impact on Character and Design
- Impact on Neighbouring Amenities
- Impact on the Future Occupants of the Development
- Flood Risk and Drainage
- Highways and Parking
- Sustainability
- Ashdown Forest
- Biodiversity Net Gain
- Planning Balance and Conclusion

7 Principle

7.1 Using this as the starting point the development plan in Mid Sussex consists of the adopted District Plan, Site Allocation DPD, and the Hassocks Neighbourhood Plan.

7.2 As the proposed development is within the built up area of Hassocks, a Category 2 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

The planning officer previously stated the following regarding policy DP6 in his assessment of the previous application and the same can be considered to be true again;
“As the proposed development is within the built up area of Hassocks, a Category 2 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:”

7.3 Policy 14 of the Neighbourhood Plan states that:

'Development proposals for residential development on unidentified sites within the defined built-up area of Hassocks will be supported where proposals:

- 1. Are of an appropriate nature and scale; and*
- 2. Positively respond to the character and function of the area.'*

7.4 The planning officer previously stated the following regarding policy 14 in his assessment of the previous application;

"The principle of developing a single new build dwelling within a defined settlement boundary is considered to be acceptable, owing to the site's sustainable location"

7.5 It can therefore be considered to be true again for this application. The development therefore is acceptable under Policy DP6 District Plan & Policy 14 of the Hassocks. This should be given great weight in the final planning balance as it is a key material consideration, yet it previously seems not to have been. As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that *planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to **sustainable locations**)*, such as this site.

8 Impact on Character and Design

8.1 The existing building currently built on site, was passed under application DM/24/2689 where it was deemed to be acceptable in terms of Policy DP26 of the Mid Sussex District Plan & Policy 9 of the Hassocks neighbourhood plan as it was stated;

"Accordingly, the proposed development would not result in a significant adverse impact upon the character and appear of the area. The proposal would comply with the provisions of DP26 of the District Plan and Policy 9 of the Hassocks Neighbourhood Plan."

8.2 As the proposed building is already built, albeit not having been converted to a residential dwelling. It is considered to have limited impact on the proposed street scene as the propose domestic alterations to the façade of the building are of a minor nature and are of a domestic form that is expected to be found within the context of the existing street scene. The Council cannot credibly argue that the form, mass, height or roof pitch of a building that is already been built and deemed acceptable to them in terms of Design and Character and policy compliance of policy DP26 & Policy 9 now causes harm to the character of the area due to a change of use. The officer's own report accepts variance in roof forms in the street-scene and accepts that the findings of the

2025 garage permission remain applicable. The minor domestic alterations (new door, windows, porch, part-render) actually improve the appearance of what was previously a blank garage door. The proposal now responds positively to the local character and the National Design Guide.

8.3 It can be reasonably assumed that the additional domestic features proposed, along with the soft landscaping to the front of the site, will improve the overall appearance of the building over a blank white double garage door. (current & proposed visuals attached above in section 4.9 & 4.10) Therefore, from this it can be concluded that this will be an improvement to the existing street scene and more in keeping with the domestic buildings that form the existing established street of the road. And in line with policy DP26 of the District Plan and Policy 9 of the Hassocks Neighbourhood Plans.

8.4 It was previously stated by the planning officer in application DM/26/0061 for a similar change of use application that the building had an “outbuilding appearance” and this was subsequently used as a reason for refusal. This is an incorrect assumption and limited weight should be attached to it. There is no district design guide for what a bungalow should look like. Further to this the officer stated that;

“In light of the above, it is considered that the proposed dwelling would retain the appearance of an outbuilding due to its low eaves and shallow pitch design features. The building would therefore not correspond to its proposed use as a residential dwelling.”

8.5 It is respectfully considered, as the accompanying full measured site survey shows that the eaves height of the building is the same as the existing host bungalow No.36 Kings Drive and the own officers report states that;

“There are a number of other bungalows within the street-scene whereby there is some variance in roof forms.”

The officer also goes onto say that

“Furthermore, this would appear discordant with the street-scene which displays bungalows of a more sizeable and substantial design.”

8.6 Supporting examples of existing bungalows in section 4.11 - 4.14 have been provided above, which clearly demonstrate other low roof pitched bungalows within Hassocks and how they integrate successfully and harmonise into the existing street scene, with higher neighbouring building surrounding them in exactly the same manner as the existing building on site does.

8.7 The development proposal also makes effective use of previously developed land.

8.8 In light of the above it is considered that the proposal already does and still will comply with Policy DP26 of the Mid Sussex District Plan & Policy 9 of the Hassocks Neighbourhood Plan and should therefore not be used as a reason for refusing planning permission.

8.9 Lastly, and most significantly, a very recent appeal decision in Hassocks confirms that a new single-storey 1-bed holiday let on rear garden land is acceptable in character terms under precisely the same policies. In APP/D3830/W/24/3350749 (Land to the rear of Ockley Grange, Ockley Lane, Hassocks – decision dated 21 March 2025), the Inspector concluded in paragraph 11.

“Overall, I conclude that the proposed development would be acceptable and in accordance with the relevant provisions of Policies DP12, DP19 and DP26 of the Mid Sussex District Plan. These policies, in summary, seek to ensure high quality design in development that respects its context. This is in a similar vein to the provisions of the Hassocks Neighbourhood Plan insofar as good design is concerned.”

8.10 Attached below is a copy of that proposed design



From the above statement and the proposed design drawings show that a clear precedence has been set out by the Inspector of what complies with good acceptable design in regards to policy provisions DP12, DP19 and DP26 of the Mid Sussex District Plan and policy 9 of the Hassocks Neighbourhood Plan.

8.11 From the appeal decision and the proposed design drawings, it can be confidently concluded that the conversion of the existing garage building on the site. Involving no additional built form. Fully accords with the design principles found acceptable by the Inspector. The building benefits from a roof height comparable to that deemed acceptable in the appeal, together with similar domestic-scale features including a front door and windows. These are precisely the design aspects the Inspector confirmed as compliant with Policies DP12, DP19 and DP26 of the Mid Sussex District Plan and the design provisions of Policy 9 of the Hassocks Neighbourhood Plan.

8.12 High-quality design has therefore been applied to the proposed development in full accordance with all relevant policy guidance. The scheme complies with the development plan in this regard and design and character considerations should not form a reason for refusal of the application.

9 Impact on Neighbouring Amenities

9.1 Policy 9 of the Hassocks Neighbourhood Plan states that proposals should not cause **'unacceptable harm'** with regard to neighbouring amenity 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. 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:

“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;”

9.2 As the garage building is already built albeit not being converted into a residential dwelling yet and the application proposed is a change of use for an existing single story building without physical enlargement or new extensions. It is therefore considered that no new **'unacceptable harm'** impact's will arise regarding the proposed development. Taking account of the impact on privacy, outlook, daylight, sunlight and security. This was previously confirmed by the planning officer for the previous application on the site DM/26/0061 where he stated the following below and the same can be consider to be true again for this application.

9.3 ***“As such the findings of DM/24/2689 are considered to be applicable when the proposals impact on the neighbouring property at No.2 Queens Drive is assessed. To this end, the proposal would result in an acceptable impact in terms of the impact on this neighbouring dwelling.”***

9.4 Whilst the Policy 9 of the Hassocks Plan doesn't mention noise arising from the development Policy DP26 of the Mid Sussex District Plan does. It is considered that the proposed dwelling is appropriately positioned at a sufficient separation distance from all neighbouring properties, ensuring no “significant harm” will occur by noise and disturbance. A direct precedent has been set in Hassocks for a similar change of use application (from a detached garage to a one-bedroom holiday let, subsequently now a residential property). This application (DM/20/3160 and later DM/24/2612 on the Mid Sussex District Council Planning Portal) confirms what constitutes an acceptable impact on neighbouring properties. The Planning Report for DM/20/3160 stated,

"The use of the building as a one bed holiday let is not considered to generate a significant amount of noise and disturbance as to result in unacceptable harm to adjoining residents."

9.5 A permanent residential dwelling can reasonably be assumed to generate less noise and disturbance during unsocial evening and early morning hours compared to a holiday let, which often involves transient guests and associated "party atmosphere." The current proposal offers superior conditions compared to the approved precedent. Given that:

- The proposed dwelling maintains a greater separation distance from neighbours than the approved site.
- The Neighbouring properties are semi-detached bungalows, whereas the precedent involved detached bungalows.
- This development includes a significantly larger private rear garden amenity space.

9.6 Given this application was also compliant with Policy DP29: Noise, Air and Light Pollution, the established precedent and the nature of a single, permanent residential unit, in a residential street, the proposal is not considered to generate the significant increase in noise, activity, or traffic associated with commercial holiday lets or larger developments. Accordingly, the proposal is considered to comply fully with the provisions of Policy DP26 & Policy DP29 of the Mid Sussex District Plan and Policy 9 of the Hassocks Neighbourhood Plan in terms of safeguarding neighbouring amenities. The precedent set by applications DM/20/3160 and DM/24/2612 and (ref: 10/00464/FUL) demonstrates that the proposed impact is acceptable and not a valid reason for refusal.

9.7 It was confirmed by the planning officer in the previous planning application that the development would comply with Policy DP26 and Policy 9 of Hassocks Neighbourhood Plan in that the development would not cause an adverse impact on the neighbours of No. 2 Queens Drive where he stated.

"As such the findings of DM/24/2689 are considered to be applicable when the proposals impact on the neighbouring property at No.2 Queens Drive is assessed. To this end, the proposal would result in an acceptable impact in terms of the impact on this neighbouring dwelling."

9.8 It was also previously stated, and cited as a reason for refusal under application reference DM/26/0061, that insufficient garden amenity space would be retained for the host dwelling at No. 36 King's Drive. Whilst we disagree with this assumption, it is no longer relevant to the current application as the application site is in the process of being sold and fenced off and separated from the title plan of No. 36 King's Drive and therefore no longer forms part of the residential garden curtilage of that property. As such, the matter of retained garden amenity space for No. 36 King's Drive should not be considered as part of the assessment of this application.

10 Impact on the Future Occupiers of the Development

10.1 DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage.

10.2 It was previously stated and used as a reason for refusing the application DM/26/0061 that insufficient floor space had been provided for the development. Whilst the previous application was also for a single person occupancy. The submitted floor plans have now been amended to show a single bed and the application is for a 1 bed single person occupancy dwelling. This now comfortably meets and exceeds the minimum room size requirement needed, being 39m² + 1m² of built in storage with the internal area of the development being 44.92m². This therefore means that the development complies with Policy DP27 and should no longer be used as a reason for refusal.

10.3 It was also previously stated, and cited as a reason for refusal under application reference DM/26/0061, that insufficient garden amenity space would be provided for the new dwelling. Whilst we disagree with this assumption as External Garden amenity space is addressed in the Mid Sussex Design Guide SPD (adopted November 2020) at Principle DG46, which requires only
“usable private outdoor amenity space that is appropriate to the location and the type and size of accommodation”

10.4 We consider the proposed garden areas are considered functional, private, usable and proportionate to the scale of accommodation proposed. A photo of the garden amenity space is provided in section 4.27 along with a comparison of what the council considered acceptable garden amenity space for similar developments within Hassocks that this proposal comfortably exceeds.

10.5 Helpful regional best-practice guidance is contained in the South Downs National Park Design Guide SPD (2022) at Section C.10, which states:
“Houses with 2 and more bedrooms should usually have a private amenity space of at least 60% of the internal floor space of the house. A good guide for a minimum rear garden size is an area that is at least 60% of the floor space of the house.”

10.6 This guidance has previously been submitted and accepted as material best practice in Mid Sussex within the same settlement. In the recent appeal at 68 & 70 Keymer Road, Hassocks (LPA reference DM/23/3114, Planning Inspectorate reference APP/D3830/W/24/3344121 – a 41-unit retirement living scheme that proceeded to public inquiry), the applicant submitted extracts from the South Downs National Park Design Guide SPD as supporting evidence on residential amenity standards (specifically addressing separation distances and privacy to rear gardens).

- 10.7 Applying this 60% benchmark to both the proposed garden and retained garden of No. 36 Kings Drive. Both garden amenity spaces are comfortably more than double the best-practice guide figure as well as still retaining ample off-street parking to the front of both properties. This is plainly appropriate for a modest 1 bed dwelling.
- 10.8 The proposal would now comply with the requirements of the Technical Housing Standards and therefore comply with DP27 of the District Plan and therefore should not be used as a reason for refusal.

11 Flood Risk and Drainage

- 11.1 As no enlargement to the existing building currently on site is being proposed. The existing SUDS setup on site is to be retained and used.
- 11.2 It is proposed that foul waste is to be disposed of by connecting into the existing foul sewer drain that services the existing dwelling at No. 36 Kings Drive. An easement on the title deed allows for this connection as the title plan is currently in the process of being subdivided.
- 11.3 The previous application DM/26/0061 on the same site was partially refused of the following reason;
“Insufficient information has been provided through the form of a full flood risk assessment to demonstrate that the development would be acceptable from a floor risk and drainage perspective. As such, the proposal would fail to demonstrably comply with DP41 of the Mid Sussex District Plan (March 2018); and Policy 9 of the Hassocks Neighbourhood Plan (July 2020).”
- 11.4 In response to this a revised & updated full flood risk assessment has been compiled for the site as well as a measured site survey that confirms that the (FFL) Finished Floor Level will be 740mm above the modelled (0.1% AEP) / 1 in 1000 year + CC (climate change) flood risk level which is well in excess of the 600mm requirement. This is explained in more detail in the accompanying flood risk report in section 9.3, In summary though,
- 11.5 “The highest fluvial flood level at the point closest to the Site is 39.70m AOD (0.1% AEP), and therefore to adhere to the EA guidance the finished floor level of the residential dwelling is to be at least 600mm above this level. The finished floor level of the residential dwelling will remain the same as the existing garage / outbuilding at 40.44m AOD. This is 740mm above the flood level and is therefore deemed to be acceptable.”
- 11.6 The accompanying flood risk report further confirms in section 9.4 that Safe Access & Egress can be maintained to the property during a flood.

“The access and egress point to and from the site will be via the driveway and Queens Drive.” The highest 0.1% AEP flood level is 39.70m AOD, with the lowest level at the northern Site boundary being 43.03m AOD, with the lowest level within Queens Drive at the Site / driveway entrance being 39.81m AOD. As there is no flooding from any other source at the Site. Therefore, as all levels within the Site and levels along Queens Drive are higher than the 0.1% AEP fluvial flood level, safe access and egress can be made to and from the residential dwelling during all flood events.”

- 11.7 The proposed development therefore accords with Policy DP41 of the District Plan and Policy 4 of the Neighbourhood Plan. Therefore, this should no longer be used as a reason for refusal.

12 Highways and Parking

- 12.1 Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. Additionally, Policy DP21 of the District Plan requires development proposals to protect the safety of road users and pedestrians.
- 12.2 In response to the previous application DM/26/0061 on the same site. The Council's Highways Engineer commented that the proposal would not likely cause a highways capacity concern. The 2 proposed parking spaces would satisfy the demand generated by a property of this size and the spaces would meet the minimum West Sussex County Council parking requirements. As such, no objection was raised towards the development proposal on highways grounds.
- 12.3 This was previously confirmed by the planning officer in his summary of the application as he stated; “The proposal is considered to therefore comply with the provisions of DP21 of the District Plan on highways grounds.”
- 12.4 As the parking and access arrangements of this revised application remain unchanged from the previous submitted application DM/26/0061. It is considered that the same findings will be true again for this application.

13 Sustainability

- 13.1 Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development.
- 13.2 The application is supported by a Planning and Sustainability Statement above which notes that the proposal will make use of a number of measures to improve its overall sustainability. The proposal would use high thermal performance building fabric, utilise

double glazed windows and install low energy fitting lights. The proposal would also provide an electric vehicle charging point, however these have not been shown on the proposed drawings and will be pursued under permitted development rights.

- 13.3 The same report was used on the previous application for the site DM/26/0061. Where the following response was received from the case officer;

“Accordingly, it is considered that the proposed development will be compliant with Policy DP39 of the District Plan”

- 13.4 It is clear that the same will be true again and the proposal will be compliant with Policy DP39 of the District Plan.

14 Ashdown Forest

- 14.1 Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

- 14.2 The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

- 14.3 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

- 14.4 This was previously confirmed by the planning officer in his Delegated Decision sign off sheet for the previous application for the site DM/26/0061 that the proposal would comply as explain in the extract below;

“The proposed development was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a windfall scheme such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.”

- 14.5 It is therefore confirmed that the devolvment would comply in terms of the Ashdown Forest.

15 Biodiversity Net Gain

15.1 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990.

15.2 No BNG is required in this case as the proposed development is a self-build dwelling, and it is therefore exempt.

15.3 This was previously confirmed by the planning officer in his Delegated Decision sign off sheet for the previous application for the site DM/26/0061 that;

“Under the statutory framework for biodiversity net gain this application is retrospective meaning that this development is exempt from providing biodiversity net gain.”

15.4 It is therefore confirmed that this development would also comply in terms of Biodiversity Net Gain.

16 Planning Balance and Conclusion

16.1 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. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Hassocks Neighbourhood Plan.

16.2 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.

16.3 As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, The presumption in favour of sustainable development is therefore engaged, and paragraph 11(d) of the NPPF applies. The policies most relevant to new housing are out of date, and permission should be granted for new housing unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing

development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.

- 16.4 In light of the above ***“having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places”*** this proposal seeks to develop a site within the built-up area boundary of Hassocks, a highly sustainable Category 2 settlement location. It makes efficient use of an existing underutilised building and provides a well design place. Which improves an existing building that has already deemed to be acceptable to the council under planning application number DM/24/2689.
- 16.5 A clear planning precedent for this form of development in this location has been set with the recent approval of new infill houses at ‘1 The Close’ (now called 2a Kings Drive) Ref:10/00464/FUL, No. 16a The Quadrant Ref: DM/24/2612, No.1a Ann Cose Hassocks Ref: DM/19/1008 and 9 Newlands Close Ref: DM/20/33949 respectively.
- 16.6 In light of the reasons for refusal previously raised in respect of planning application reference DM/26/0061, we believe we have now fully addressed all of the Council’s concerns.
- 16.7 We are of the opinion that the proposed development would not represent an inappropriate development on the street scene. We are of the view that the development proposals would make an efficient use of a plot, which would otherwise be under-used, within the existing built-up boundary settlement of Hassocks. The proposed dwelling would be of a design that would sympathetically relate to the surrounding area. Indeed, it is our view that this high-quality development of 1 No. dwelling, which will use a sensitive pallet of materials would in fact enhance the character of this locale and represent a visual improvement. It is not considered that the proposed development would significantly harm the amenities of any neighbouring property in terms of overlooking or being overbearing, due to its existing location. Nor would the proposal cause demonstrable harm through the creation of noise and disturbance. The development will serve to both preserve and enhance the character of the street scene. The proposal would be in accordance with the development plan when read as a whole.
- 16.8 The provision of good quality residential accommodation in a highly sustainable location such as this, and making efficient use of previously developed land, attracts significant national and local policy support, and should be afforded very significant weight in the ***“planning balance”***, especially in the context of an acknowledged and serious local shortfall in 5 year housing land supply. Additionally, there are further economic benefits arising from construction, and spending by future residents.
- 16.9 In conclusion, it has been demonstrated that the previous refusal has been responded to decisively and comprehensively. The Council is therefore respectfully invited to approve the proposals without delay, subject to appropriate conditions.