

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2738	Case Officer:	Rachel Richardson
Application Type:	Full Application		
Proposal:	Retrospective application for the erection of an outbuilding		
Site:	Bluebell Place, Vowels Lane, Kingscote, East Grinstead, West Sussex, RH19 4LD, ,		
Validation Date	24 Jan 2025	Overall Expiry Date:	18 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Apr 2025
Target Date:	21 Mar 2025	Recommending Officer Signature:	Rachel Richardson

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	25 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2738

**Bluebell Place, Vowels Lane, Kingscote, East Grinstead, West Sussex, RH19 4LD,
Retrospective application for the erection of an outbuilding
Mrs Tracy McAvoy**

SUMMARY OF REPRESENTATIONS

One letter of representation has been received which is neutral. No objection is raised in terms of storing garden materials. However, if the building is used to expand the existing business this would be of concern for the occupants of 1 Tickeridge Cottages. Any external lighting should respect the dark night skies policy and local wildlife.

SUMMARY OF CONSULTTEES

Southern Water: No objection. The applicant is reminded that any new connections to a public sewerage system will require a new sewer connection application.

NatureSpace Partnership: No likely impact on great crested newts or their habitats.

TOWN/PARISH COUNCIL OBSERVATIONS

Recommends approval.

INTRODUCTION

The application seeks retrospective planning permission for an outbuilding to store garden equipment for maintenance purposes.

RELEVANT PLANNING HISTORY

DM/17/1501 - Rebuild Garden Shed - Permission 24.10.2017

SITE AND SURROUNDINGS

The application site comprises a detached chalet style bungalow set way back into Bluebell Place and accessed down a long driveway. The bungalow is set behind 'Macks Ices' which comprises a number of buildings used for commercial purposes, and situated to the east. It is understood this is the applicant's business.

The bungalow is of brickwork construction with a tiled roof and timber clad gables. The curtilage of the property is enclosed by a 0.5m high picket fence to the east, south and western perimeter, and a close boarded fence with trellis above to the north, which runs alongside the river. There is also mature vegetation along this boundary.

The land slopes uphill from the north and beyond the site to the south (open grassed area).

For the purposes of planning policy the site lies within the High Weald Area of Outstanding Natural Beauty, and the countryside which is outside of the built up area boundary as defined by the Mid Sussex District Plan.

APPLICATION DETAILS

The application seeks permission retrospectively for the construction of an outbuilding. The outbuilding is located outside of, but adjoining the curtilage of Bluebell Place. The outbuilding sits within a hardsurfaced area utilised for commercial purposes and it is also directly opposite the long driveway leading off Vowels Lane to the east. The application form confirms its use as a garden shed (although the planning statement confirms it is not for residential use).

The planning statement confirms that it is for, *'the purposes of storing large garden machinery, ride on mowers, tractor, leaf collectors, strimmers etc along with tools and garden equipment.*

There is also led strip lighting and sockets for charging the batteries of the tools, solar panels and storage batteries to help with consumption, all transferred from the old garden shed.'

The building measures around 11m long by 6m wide. It has a flat roof with an overall roof height of approximately 2.5m.

The outbuilding has timber featheredged boarding, a felt roof and Upvc windows with a timber door.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the East Grinstead Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12: Protection and Enhancement of the Countryside
DP16: High Weald AONB
DP17: Ashdown Forest
DP26: Character and Design
DP38: Biodiversity

Site Allocations Development Plan Document

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Neighbourhood Plan

East Grinstead Neighbourhood Plan November 2016.

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

Relevant policies:

EG1: Development in the High Weald AONB
EG2: Development within the Countryside Areas of Development Constraint
EG3: Promoting Good Design
EG16: Ashdown Forest

Other Legislation

Countryside and Rights of Way Act 2000

High Weald AONB Management Plan 2024-2029

Planning Technical Advice Note: Dark Skies in the High Weald

This dark skies planning technical advice note is a material consideration in planning matters.

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPN1: Biodiversity, Geodiversity and Nature Recovery
DPC1: Protection and Enhancement of the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.'

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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

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

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

ASSESSMENT

The main issues for consideration in the determination of this application are as follows:

- o Design and character including impact on AONB and countryside
- o Residential amenity
- o Ashdown Forest
- o Biodiversity Net Gain

Design and Impact on character of area

One of the objectives of achieving sustainable development is to ensure that proposals '*contribute to protecting and enhancing our natural, built and historic environment*' (para 8, NPPF).

The site falls outside of the built up area (within the countryside). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area.

Policy DP12 of the District Plan relates to the protection and enhancement of the countryside. In part it states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

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

The supporting text sets out the following:

'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.'

Para 187 (b) of the NPPF requires proposals to contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside'*.

The site is within the High Weald Area of Outstanding Natural Beauty. The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CROW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CROW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs'*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'

EG2 permits limited small-scale new development within the Countryside Areas of development Constraint and in this case provided it is an essential small-scale proposal for agriculture.

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular:

- o the identified landscape features or components of natural beauty and to their setting;*
- o the traditional interaction of people with nature, and appropriate land management;*
- o character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
- and*
- o the conservation of wildlife and cultural heritage'.*

EG1 states that:

'Planning permission for other forms of development will be granted where the proposals are for the:

(iii) Extension of an existing dwelling house, relate to agricultural development or some other minor recreational use;

Provided that for each of the above (i, ii and iii) all of the following criteria are met:

- o The highest standards of Design are achieved;*

- o The natural and scenic beauty of the landscape is conserved or enhanced;*
- o The proposals do not result in an obtrusive feature in the landscape.*

The onus is on the applicant to demonstrate that the scheme would not negatively impact on the existing quality of the protected landscape and its setting taking account of locally important features. Proposals that have not fully considered and addressed the impact on the AONB will normally be refused.'

The Neighbourhood Plan, the High Weald Management Plan and paragraph 189 of the NPPF are policies which seek to enhance the character of the settlement where viewpoints and spaces are preserved. The Dark Skies Technical Advice Note SPD has objectives to protect and maintain existing dark skies by minimising internal light spill and obtrusive external light pollution.

Policy DP26 of the District Plan relates to character and design. It states:

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

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- o optimises the potential of the site to accommodate development.'*

In terms of design EG3 states that permission will normally be granted provided:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) Proposals make provision for green infrastructure and biodiversity enhancement.'*

The Council's Design Guide sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for high quality buildings that minimise their environmental impact under principle DG37. Principle DG38 requires architectural integrity and a sense of place where the façade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings.

The proposed building is considered to be acceptable in terms of the landscape character of the area and AONB. It would not be prominent from public vantage points. There would be no additional light spill or obtrusive light pollution as a result of this proposal and it would not therefore harm the dark skies.

The proposal is considered to be of an acceptable design and is a timber clad building in a rural setting. It is also of a subservient scale in relation to surrounding existing buildings and is sited on an existing hard surfaced area which is served by an existing access.

The proposal is therefore considered to comply with Policies DP12, DP16 and DP26 of the Mid Sussex District Plan, EG1, EG2 and EG3 of the Neighbourhood Plan the design principles set out in the Design Guide, and the requirements of the NPPF.

Impact on Residential Amenity

DP26 states that all applicants will be required to demonstrate that the development '*does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)*'

There are no adjoining properties significantly harmed by the proposed development. The application site is surrounded by open land. A condition is recommended to ensure that the use for the storage of garden equipment remains in perpetuity.

As such, the proposed development is compliant with DP26.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

An overall Habitats Regulations Assessment has been undertaken for the planning application which includes the type of development proposed.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM)

mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is **not required**.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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.

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. There is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This planning permission is being granted on an application made under Section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out). This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The application is considered to be acceptable. The proposed outbuilding is considered to be respectful of the character and appearance of the rural location. It would not detract from the essential qualities and characteristics of the AONB nor would it have a significant impact on the residential amenity for the occupants of nearby properties (which there are not any). The proposed development does not require BNG and will not have a significant effect on the Ashdown Forest SPA and SAC. The proposed development is compliant with all relevant policies as specified above in the report and it is recommended that permission be granted.

Decision: Permission

Case Officer: Rachel Richardson