

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1365	Case Officer:	Andrew Horrell
Application Type:	Full Application		
Proposal:	Retrospective application for the expansion of existing cafe into adjoining unit (no.99) operated within use class E(b). Replacement shopfront and replacement awning to number 99.		
Site:	97 And 99 Keymer Road, Hassocks, West Sussex, BN6 8QL, , , ,		
Validation Date	3 Jun 2025	Overall Expiry Date:	25 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	29 Jul 2025
Target Date:	29 Jul 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	29 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1365

**97 And 99 Keymer Road, Hassocks, West Sussex, BN6 8QL, , ,
Retrospective application for the expansion of existing cafe into adjoining unit (no.99) operated within use class E(b). Replacement shopfront and replacement awning to number 99.
Matthew Penfold**

SUMMARY OF REPRESENTATION

None received

SUMMARY OF CONSULTEES

MSDC Environmental Protection: No objection

PARISH COUNCIL OBSERVATIONS

Recommend Approval

INTRODUCTION

The application seeks planning permission for retrospective application for the expansion of existing cafe into adjoining unit (no.99) operated within use class E(b). Replacement shopfront and replacement awning to number 99.

RELEVANT PLANNING HISTORY

00/01228/FUL - Replacement of existing shop front (approved) (No.97)

10/02141/COU - Change of use from A1 (retail) to A3 (Cafe). Further information received 22nd November. (Approved) (No.97)

SITE AND SURROUNDINGS

The units 97 and 99 Keymer Road are mid terraced shops within a short parade of shops with flats above. The walls are face brickwork with timber doors and windows with external commercial signage.

To the north-west of the site is the adjoining Newsagents, to the south-east of the site is the adjoining Fish and Chips shop, to the north-east of the site are the small rear gardens with parking area serving churchmead beyond and to the south-west of the site is the footpath to highway beyond

The site is within the built-up area of Hassocks.

APPLICATION DETAILS

The application seeks planning permission to include No.99 Keymer Road within a business use under use class E(b) at the adjoining unit No.97.

The works already undertaken to expand the existing café into the adjoining unit No.99 with the creation of an opening between the two units to expand the seating capacity, introducing a 'bar servery' area and revised toilet accommodation.

The proposed external alterations include the replacement of the shopfront to no. 99, to match that in place at 97 including the installation of a replacement awning to no. 99, replicating that at No.97.

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) And 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, Hassocks Neighbourhood Plan and Site Allocation DPD.

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:

- DP1 - Sustainable Economic Development
- DP26 - Character and Design
- DP29 - Noise, Air and Light Pollution

Site Allocations DPD

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

No relevant policies.

Hassocks Neighbourhood Plan

The Neighbourhood Plan was made on 24th June 2020.

Relevant policies:

Policy 9 (Character and Design)

Other Material Considerations

Mid Sussex District Plan 2021-2039 Submission Draft

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:

DPN6 - Pollution
DPB1 - Character and Design
DPE1 - Sustainable Economic Development

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 National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131 and 135 are considered to be relevant to this application.

ASSESSMENT

Principle

District Plan Policy DP1 supports the development and expansion of existing and new businesses in Mid Sussex.

Policy 18 of the Hassocks Neighbourhood Plan in part states:

'Development proposals which would enhance the character and sense of place of the central retail and commercial area of Hassocks will be supported.'

Proposals to enhance shop frontages and signage will be particularly supported'.

The site is within the built-up area boundary of Hassocks in the central commercial area, which is located around Keymer Road.

The expansion of aroma cafe would help to support the core retail offer and generate increased commercial activity to add to the vitality and viability of the village centre.

Therefore, the change of No.99 to allow for an enlargement of the café at No.97 accords with the aims of District Plan Policy DP1 and policy 18 of the Hassocks Neighbourhood Plan. The principle of the development is therefore acceptable.

Design

Policy DP26 of the Mid Sussex District Plan states:

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

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy 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.'*

Also relevant in the determination of the application is Policy 9 of the Hassocks Neighbourhood Plan, which states:

'Policy 9: Character and Design

Development proposals will be supported where, they are in line with the Townscape Appraisal, and where the character and design:

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

It has been shown that the frontage of the converted No.99 is constructed of materials that will be in keeping with the existing materials used at the adjoining No.97 and to those used in the wider street scene.

The frontage will be visually similar to the adjoining No.97. As such the proposal is considered to be of an appropriate design, size and scale that is in-keeping with both the existing unit and that of the wider

street scene. The existing highways access and parking will remain unchanged and is considered acceptable. Therefore, the proposal is considered to comply with DP26 of the Mid Sussex District Plan.

Impact to neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states:

'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);'

Policy 9 of the Hassocks Neighbourhood Plan states that proposals should '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'.

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 Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes 'unacceptable harm' to neighbouring amenities as outlined above.

In addition, Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other.

The proposal is located in a formerly vacant unit with an established café use.

No 99 Keymer Road is situated in a central village location in an area with mixed commercial uses. There are also some residential properties located in close proximity to the site, some being above the high street premises, as well as houses located at the rear.

Mid Sussex District Council Environmental Protection Team have been consulted on the application and their comments are reported above.

The hours of use shall match that at No.97 as conditioned under 10/02141/COU.

Taking into account the above the proposal will not cause unacceptable harm to the amenities of residents living in neighbouring properties in terms of impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. The proposal is therefore considered to comply with Neighbourhood Plan Policy 9 and Policies DP26 and DP29 of the Mid Sussex District Plan and the Mid Sussex Design Guide.

Biodiversity Net Gain

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

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Hassocks Neighbourhood Plan.

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

The expansion of the aroma café into the adjoining unit No.99 and the proposed external alterations are considered acceptable in terms of exterior design within the surrounding context and the amenities of the neighbouring occupiers. The proposal therefore accords with Policies DP1, and DP26 of the Mid Sussex District Plan, Policies 9 and 18 of the Hassocks Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell