

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1342	Case Officer:	Andrew Watt
Application Type:	Householder Application		
Proposal:	Retrospective application for the demolition of an existing detached garage and replacement with a new detached two-bay garage.		
Site:	Wynstay House, Stockcroft Road, Balcombe, Haywards Heath, West Sussex, RH17 6LH, ,		
Validation Date	5 Jun 2025	Overall Expiry Date:	11 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	6 Aug 2025
Target Date:	31 Jul 2025	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	6 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1342

**Wynstay House, Stockcroft Road, Balcombe, Haywards Heath, West Sussex, RH17 6LH,
Retrospective application for the demolition of an existing detached garage and replacement with
a new detached two-bay garage.
Mr Andrew Owen**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

Wynstay House is a substantial detached late 19th/early 20th century house located within the Balcombe Conservation Area. The current proposal relates to a c. mid 20th century detached garage located to the north east of the house, set back behind it from the road, and is for the demolition and replacement of the building on an enlarged footprint.

The existing building is not of any particular architectural or historical interest, and its demolition is not considered contentious in principle. The proposed replacement building is although larger than the existing generally similar in its appearance, with timber clad elevations over a brick plinth, and a pitched tiled roof. These aspects of the proposal are not considered contentious.

The design of the window to the front gable, although intended to replicate the existing blocked window in this position to the existing building, would benefit from amendment to a design more sympathetic to the fenestration to the house (e.g. a double timber casement).

The garage door is shown as a single wide up-and-over door. Whilst I accept that that the door to the existing building is of this style, and that there are other examples locally, in general this is not a feature which we would consider favourably in a Conservation Area context, particularly in the setting of a building of the period of Wynstay House. I understand that the applicant has stated that side hung doors will not be possible due to the slope of the adjacent driveway, although we have no sections before us to demonstrate this. I would however recommend that this aspect of the proposal is reconsidered and a more sympathetic design solution sought, for example sliding folding doors with appropriate vertical subdivisions, which should not be hampered by the sloping driveway.

In summary, although the proposal is acceptable in principle, aspects of the detailed design require reconsideration to ensure that the new larger garage building will preserve the character and appearance of this part of the Balcombe Conservation Area.

TOWN / PARISH COUNCIL OBSERVATIONS

Balcombe Parish Council have no objections to the proposed planning application.

INTRODUCTION

Retrospective planning permission is sought for the demolition of an existing detached single garage and replacement with a new detached double garage.

RELEVANT PLANNING HISTORY

In April 1965, details of flatlet conversion for the retired were approved (F/64/826A).

In December 2012, planning permission was granted for 2nd floor loft alterations, 2 small single storey extensions to the rear elevation, external window and door replacement and replacement garage structure (12/3651/FUL).

In July 2024, planning permission was granted for the conversion of the property (subdivided into 7 flats) back into a single private dwelling house (DM/24/1317).

SITE AND SURROUNDINGS

Wynstay House is a Victorian building arranged over 4 storeys, including lower ground level and attic level. It is located on the eastern side of Stockcroft Road in the built-up area of Balcombe, within the Balcombe Conservation Area and High Weald Area of Outstanding Natural Beauty. The building was formerly divided into 7 no. flats (mix of 4 x 1-bed units and 3 x studio flats), used for sheltered housing, but has more recently been converted into a single dwellinghouse. Access is gained centrally on the ground floor via a short bridge at the front, with lower ground floor access either internally or via 3 different doors at garden level (to the sides and rear). There is an external fire escape staircase on the northern side, connecting all floors to the garden. To the rear/northern side, accessed via a driveway, is the site of the garage which is the subject of this application. The previous single garage has been demolished and the brick plinths have already been constructed.

The site is also designated as a Great Crested Newt Impact Risk Zone (Red).

APPLICATION DETAILS

Retrospective planning permission is sought for the demolition of an existing detached single garage and replacement with a new detached double garage. The brick plinths have already been constructed but the remainder of the structure remains unbuilt.

The new double garage has and will be built on the site of the former single garage building but enlarged in a southerly direction behind the main house. The former lean-to at the rear has not been replaced as part of this new structure. The new garage will measure approximately 6m in width, 6m in depth and 5.5m in height to a dual pitched roof. Materials are a low brick upstand with horizontal overlapping timber clad walls beneath a tiled roof. There is one window to the front elevation (timber) above the roller shutter door (anthracite woodgrain laminate).

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.

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

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

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP16: High Weald Area of Outstanding Natural Beauty
Policy DP21: Transport
Policy DP26: Character and Design
Policy DP35: Conservation Areas

Site Allocations DPD

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

There are no relevant policies.

Balcombe Neighbourhood Plan (Sep 2016)

Mid Sussex District Council formally 'made' the Balcombe Neighbourhood Plan part of the Local Development Plan for the Parish of Balcombe as of 22 September 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within Balcombe.

Relevant policies:

Policy 3: Design

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

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 31 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
DPN2: Biodiversity Net Gain
DPC4: High Weald Area of Outstanding Natural Beauty
DPB1: Character and Design
DPB3: Conservation Areas
DPT4: Parking and Electric Vehicle Charging Infrastructure

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG11: Respond to the existing townscape, heritage assets and historic landscape
Principle DG38: Design buildings with architectural integrity and a sense of place

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 131 and 135 (design), 187 (conserving and enhancing the natural environment), 189 (National Parks and National Landscapes), 193 (biodiversity and ancient woodland) and 202-221 (heritage assets) are considered to be relevant to this application.

High Weald AONB Management Plan 2024-2029 (2024)

This Plan has been prepared by the High Weald Joint Advisory Committee (including representatives from 15 local authorities, including Mid Sussex District Council) and sets out the long-term objectives for conserving this nationally important landscape.

ASSESSMENT

Design and visual impact on the character and appearance of the Conservation Area

The proposed development is located within the Balcombe Conservation Area.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to Conservation Areas and states: *'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

Policy DP26 of the Mid Sussex District Plan states (in part):

'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;'*

Policy DP35 of the Mid Sussex District Plan states (in part):

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*

Development will also protect the setting of the conservation area and in particular views into and out of the area.'

Policy 3 of the Neighbourhood Plan states:

'The scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and to avoid any significant detrimental effect on the landscape and natural beauty of the High Weald AONB and the significance and character or appearance of the Balcombe Conservation Area, where a building will command a view.

Unless otherwise proposed in Policy 2, development proposals will be expected to demonstrate they accord with the provisions of the Balcombe Village Design Guide and with the following principles:

- i. approximately 75% of the total number of dwellings of the scheme, and especially the affordable homes, are no larger than 3 bedroom dwellings with a proportion suited to occupation by households of retirement age;
- ii. approximately 25% of the total number of dwellings of the scheme to comprise dwellings of no more than 4 bedrooms;
- iii. they comply with affordable housing requirements of the Mid Sussex development plan;
- iv. new and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community; and
- v. new residential and commercial development will be permitted where there is sufficient infrastructure capacity currently available or where the necessary capacity can be provided to an agreed timetable.

Proposals that involve the change of use of listed buildings within the settlement boundary for housing as 1, 2 or 3 bedroom units, including buildings judged to make a positive contribution to the special historic or architectural interest or character and appearance of the conservation area, will be supported provided it can be demonstrated they will sustain the significance of these heritage assets.'

Design Principle 11 of the Mid Sussex Design Guide SPD seeks to ensure that heritage assets are enhanced and preserved where appropriate and Chapter 6 relates to high quality and sustainable building design.

Paragraphs 207, 208, 210, 212 and 215 of the NPPF are relevant, as follows:

'207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

210. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

The Council's Conservation Officer supports the broad principles of the development but requested further consideration of more appropriate finishes and designs for the front first floor window and garage door.

Although ideally the window would be casements with smaller areas of glazing separated by mullions and the door would be side-hung timber openings, the garage is well set back from the street and on lower ground, partly obscured by the existing house, which is clearly the dominant feature on this site. Therefore while these details are not completely appropriate for the character of the area, it is recognised that there are several examples of these elsewhere within the Conservation Area, which are more prominent, and on balance, it is considered that these features would not be harmful to the character and appearance of the Conservation Area. A condition is imposed to ensure that the specification of the doors and windows are followed through in the construction, and overall, it is considered that the development would comply with Policies DP26 and DP35 of the Mid Sussex District Plan, Policy 3 of the Neighbourhood Plan and paragraph 210 of the NPPF.

Impact on the High Weald AONB

The site is located 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 2000 (CRoW Act) which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW Act 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.

Policy DP16 of the Mid Sussex District Plan states:

'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:

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

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

Paragraph 189 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, 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 and the Broads. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimize adverse impacts on the designated areas.'

Given that the site is located within a group of buildings, and is therefore viewed in context with existing built forms, it is not considered that the development detracts from the visual quality of the Area of Outstanding Natural Beauty and therefore the above policies and guidance are met.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate that development:

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

The main properties affected by the development are 3 Bretts Orchard to the north-east and Limans to the north.

3 Bretts Orchard is a bungalow oriented perpendicular to the application site, with later loft addition and large box dormer facing directly towards the rear garden of Wynstay House. It has a shallow rear garden of its own and all windows are visible from the garden - albeit the 1.8m high close-boarded boundary fence is being reinforced with laurel planting on the application property. The previous and new garage are sited almost adjacent to this boundary, though the boundary here is a taller fence, approximately 2.2m in height and following the contours of the land levels. It is noted that the lean-to at the rear of the former garage has been removed and is not being replaced, so in effect the bulk of the building has been moved slightly away from this neighbouring property. At its nearest, it is approximately 5.7m away, and given the modest height of the structure, with its roof pitching away, it is not considered that it will be overbearing or have any adverse impact on neighbouring occupants.

Limans to the north is situated on higher ground than the garage and although the proposed window will face back onto the rear garden, it is already overlooked by the existing external staircase to the house and by neighbouring properties. It is not an unusual situation in a built-up area for rear gardens to experience some degree of overlooking and therefore it is not considered that this would be harmful to the amenities of neighbouring occupants.

Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan.

Highways

Policy DP21 of the Mid Sussex District Plan states (in part):

'... Decisions on development proposals will take account of whether:

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*

- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

The site has sufficient off-road parking on the existing driveway and an additional space within a garage (if used as such) would be acceptable in accordance with the above policy.

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 is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

Other matters

The site is located within a designated Great Crested Newt - Impact Risk Zone (Red). However, having regard to the nature of the application, it is unlikely to have an impact on newts and accordingly there would be no conflict with biodiversity legislation, policy and guidance.

PLANNING BALANCE AND CONCLUSION

The application is deemed to be of an appropriate scale and design in relation to the existing house and street scene, with no harm to the character and appearance of the Conservation Area. It would not cause significant detriment to surrounding residents. There would be no harm to biodiversity. Accordingly it is considered that the proposed development would comply with Policies DP21, DP26, DP35 and DP38 of the Mid Sussex District Plan, Policy 3 of the Balcombe Neighbourhood Plan, the Mid Sussex Design Guide SPD and the NPPF and is therefore considered acceptable.

Decision: Permission

Case Officer: Andrew Watt