

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3011	Case Officer:	Joanne Fisher
Application Type:	Full Application		
Proposal:	Proposed erection of ornamental entrance gates, fencing and pillars together with road name plaques.		
Site:	Land Adjacent To Balcombe House, London Road, Balcombe, West Sussex, , ,		
Validation Date	18 Dec 2024	Overall Expiry Date:	24 Jan 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	4 Feb 2025
Target Date:	12 Feb 2025	Recommending Officer Signature:	Joanne Fisher

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	4 Feb 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3011

**Land Adjacent To Balcombe House, London Road, Balcombe, West Sussex, , ,
Proposed erection of ornamental entrance gates, fencing and pillars together with road name
plaques.**

Mr James Griffiths

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Highways Authority

No objection.

PARISH COUNCIL OBSERVATIONS

Balcombe Parish Council's objection highlights concern about the proposed 'ornamental' gates and their potential impact on the character and accessibility of the area. Their key points include:

1. Private Estate Feel: The gates are seen as replicating a private estate however, the development is not a private estate and the public should not be given the impression that it is. To give the impression of exclusivity conflicts with the principles of the Neighbourhood Plan. Private streets are not appropriate in this village setting and could create an undesirable distinction between the public and private areas.

The gates to Balcombe House to which this proposal is compared is some distance for the entrance and the two would not be visible together.

2. Public Access: The council emphasizes that access to the new development, particularly to the Village Car Park, should remain open to the public. The gates may hinder this, restricting free movement and possibly reducing the accessibility of the car park that is intended to serve the community. A requirement of the Design Guide for Balcombe adopted with the Neighbourhood Plan requires all new developments to have a pedestrian route through them to avoid them becoming purely private domain. For this reason, a small cut through path is provided at the western end of the close allowing casual walkers to walk through the development and keep the area as free access to the general public. The gates would conflict from this. Furthermore, a right of way for public access through the site should be made in order to implement this guidance set out in the NP.

3. Street scene: While acknowledging the gates' aesthetic appeal in appropriate context, the Parish Council suggests that their presence in this instance would undermine the effectiveness or intended use of the Village Car Park, potentially detracting from the community-focused design of the development. Other roads, closes and cul-de-sacs in the village are not gated and it would be out of character with the rest of the village if this one was. Most closes are of similar sizes, Foxwells, Bramble Mead, Combers, Troy Mead.... None are gated.

4. Hedgerow: The hedgerow should be reinstated along the visibility spays at this junction in order to accord with the policy for the site of retention of hedgerow along the road boundary.

In summary, the objection suggests that the ornamental gates could negatively impact both the public access and the overall design objectives of the development, and thus should be reconsidered.

INTRODUCTION

Planning permission is sought for the erection of ornamental entrance gates, fencing and pillars together with road name plaques at land adjoining Balcombe House, London Road, Balcombe.

RELEVANT PLANNING HISTORY

DM/21/4235 - Residential development to provide 17 dwellings made up of 1 and 2 bedroom flats and 3 bedroom, detached and semi-detached, houses. Associated landscaping, parking, vehicular access and a village car park. Approved.

There have been various applications relating to the discharge of planning conditions in relation to the above application which have been approved.

DM/22/3275 - Non material amendment to planning application DM/21/4235 to allow for minor alterations to the size and elevations of the dwellings. Refused.

DM/22/3481 - Variation of condition 2 of planning approval DM/21/4235 - to allow amendments to the size and elevations of plots 6, 7 and 12. AMENDED PLANS received 18/1/2023 revising the design and scale of the rear extension to plots 6 and 7. Approved.

DM/23/0630 - Variation of condition 2 of planning approval DM/22/3481 - Rationalisation of the site layout to detach Plots 8 and 9 which creates permeability between the plots and is reflective of the character of the building form and dwellings within the surrounding area and utilisation of space above the garages serving Plots 8 and 9 resulting in a better and more attractive environment for the future occupiers. Approved.

DM/23/0673 - Two-sided freestanding non-illuminated sign. Approved.

DM/23/1742 - Variation of condition 2 of planning approval DM/23/0630 to Plots 13 and 14. AMENDED PLANS received 18/10/2023 showing single storey rear extensions to dwellings only. Approved.

DM/24/0486 - Discharge of planning condition no's 7 and 24 relating to planning application DM/23/1742. Approved.

DM/24/0771 - Non Material Amendment to planning application DM/23/1742 - Plots 10 and 11 - Changes to the garage roofs and internal layouts. Plots 15, 16 and 17 = Minor GF + FF footprint depth increases and internal layout alterations. Refused.

DM/24/1893 - Discharge of planning condition no. 7 relating to planning application DM/24/1063. Approved.

DM/24/1063 - Variation of condition 2 of planning approval DM/23/1742 - To make changes to the following plots: Plots 10 and 11 - changes to the garage roofs and internal layouts. Plots 15, 16 and 17 - minor ground floor and first floor footprint depth increases. Approved.

DM/24/2494 - Discharge of planning condition numbers 17, 19 and 22 relating to planning application DM/24/1063. Pending consideration.

DM/24/2270 - Variation of condition No: 3 of planning approval DM/24/1063. Approved.

Works have started on the site to implement the development.

SITE AND SURROUNDINGS

The site is of irregular shape with trees and vegetation on the boundaries of the site. The site has been cleared and the access into the site has been created. There are residential properties to the south-east and south of the site set back from the road with trees and vegetation screening on the boundaries. To the north is the parkland setting of Balcombe House, a Grade II Listed Building. This is screened by trees on the boundaries of the site.

The proposed development site is almost surrounded by the Balcombe Conservation Area, which is to the east, south, west and to the north-west of the site. There are a number of listed buildings in close proximity to the site including Catseye Cottage and Catseye Barn to the south on the opposite side of the highway, and Balcombe House to the north. To the north-west of the site outside of the red line is land which is further wooded.

Haywards Heath Road lies to the south and has a pavement on either side of the highway leading to the village centre to the east as well as the Primary School to the west.

The site is located within the built up area of Balcombe as well as within the High Weald Area of Outstanding Natural Beauty (AONB) as defined in the Mid Sussex District Plan and the Balcombe Neighbourhood Plan.

APPLICATION DETAILS

Permission is sought for the erection of ornamental entrance gates, fencing and pillars together with road name plaques.

The 2 entrance gates are a traditional country 4 bar gate and are fixed back from the highway. These are intended to link to the proposed means of enclosure and landscaping and would be painted white.

The gates/fencing and pillars would be set back from the highway of Haywards Heath Road by a minimum of some 5.16 metres and a maximum of some 8.5 metres and would be either side of the entrance. The gates would measure some 2.4 metres in width and some 1.17 metres in height. The pillars would be some 1.35 metres in height and the fencing would be some 1.17 metres in height.

To the western side of the entrance way the gates/fencing and pillars would measure some 6.9 metres in length. To the eastern side of the entrance way the gates/fencing would measure some 4.4 metres in length with a post on the other side of the footpath as well.

These would be sited within the landscaped area to the front of the site.

The covering letter accompanying the application states:

'The purpose of these entrance feature gates is to provide an enhanced architectural detail and sense of arrival for the development proposal as well as adding to a feeling of security for the proposed occupiers and the users of the village car park. The entrance features are reminiscent of ornamental gated entrances for a rural country estate and are therefore considered in keeping with the location of the proposals on the outskirts of the village and match the entrance gates to Balcombe house.'

'The entrance features are intended to link to the proposed means of enclosure and landscaping.'

It goes on to say that the gates will incorporate a road name plaque which *'will be a visual improvement on the standard road signage. The wooden entrance pillars are designed to be lit with uplighters on either side of the entrance.'*

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 Balcombe 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:

DP16 - High Weald Area of Outstanding Natural Beauty
DP26 - Character and Design
DP34 - Listed Buildings and Other Heritage Assets
DP35 - Conservation Areas

Site Allocations DPD

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

The Neighbourhood Plan was made in September 2016. It forms part of the Development Plan for the District and can be given full weight.

The following policy is considered to be relevant:

Policy 2 - Housing site allocations
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 the 31st October 2024. There are unresolved objections to the majority of 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:

DPC4 - High Weald Area of Outstanding Natural Beauty

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPB3 - Conservation Areas

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.

High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029

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.

National Planning Policy Guidance

ASSESSMENT

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

- Design and impact on character of the area and the High Weald Area of Outstanding Natural Beauty (HWAONB);

- Impact on the setting of designated heritage assets;
- Highways; and
- Biodiversity Net Gain.

Design, impact on the character of the area and the High Weald AONB

The site lies 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.

Policy DP16 of the District Plan relates to the High Weald AONB and requires proposals to *'conserve or enhance natural beauty'*.

Policy 3 of the Neighbourhood Plan seeks *'to avoid any significant detrimental effect on the landscape and natural beauty of the High Weald AONB.'*

Paragraph 189 of the NPPF is also relevant. This 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.'

In terms of design, Policy DP26 of the District Plan relates to character and design considerations and states:

'All development and surrounding spaces, including alterations and extension to existing buildings and replacement dwellings, will be well designed and reflect and 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.*
- 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 plus unit) scheme will also normally be expected to incorporate a mixed use element;*
- o optimises the potential of the site to accommodate development.'*

Policy 3 of the Neighbourhood Plan in part 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.'

Para 135 of the NPPF relates to design and states:

'Planning policies and 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 users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

The proposed gates and fencing would be sited in an area of landscaping to the front of the site comprising of tree planting, grassland and woodland/scrub mix planting which has been approved through the landscaping scheme for the development. Whilst the tree planting to the entrance of the site would be retained, the erection of the gates, fencing and pillars would be contrary to the approved landscape scheme and condition. Notwithstanding this, it is considered that the proposed gates, fencing and lighting would be out of keeping with the verdant character of the street frontage along Haywards Heath Road which has trees and vegetation along the boundaries.

The wider site to which the gates and fencing would relate to is to serve 17 dwellings and a public car park which was allocated under Policy 2i of the Balcombe Neighbourhood Plan and originally approved under planning reference DM/21/4235. Policy 2i which allocated the site requires the retention and improvement of the existing tree-lined frontage to Haywards Heath Road. The proposal would not allow for the improvement of the soft landscaping to the frontage of the development and would be out of keeping with the verdant character of the street frontage along Haywards Heath Road. In addition, it is considered that the proposal would not provide an attractive street frontage into the development compared to the approved landscaping scheme. The proposed entrance gates and fencing would provide a private estate feel and would not clearly aid in demarcating the location of the public car park which is accessed from the site entrance. In addition, it is queried how the entrance feature gates would provide a feeling of security as submitted by the Agent in the covering letter accompanying the application as they cannot be shut and are ornamental.

It has been submitted that the proposal is to be similar to the entrance gates to Balcombe House. However, these are of a much smaller scale and to a small part of the single access track leading to the house. A new development within the village of 'Barnfield' set off Haywards Heath Road comprises of post and rail fencing along the front boundary with hedging in front which has a different appearance to that proposed. In addition, whilst there may be gates to the front boundaries surrounding and within the village, these are to individual properties and are of a smaller nature. Cu-de-sacs within the village do not have such a gateway feature to their entrances and it is considered that the proposal would be out of keeping with the village of Balcombe, result in unnecessary street clutter to the entrance of the site and does not provide an attractive street frontage into the development compared to the approved landscaping scheme.

The proposal is thereby considered to conflict with policies DP16 and DP26 of the District Plan, policies 2i and 3 of the Neighbourhood Plan, the requirements of the NPPF and the provisions of the High Weald AONB Management Plan.

Impact on the setting of designated heritage assets

The site is within the setting of a number of heritage assets, including:

- o Balcombe Conservation Area
- o St Mary's Church (Grade I listed)
- o Balcombe House (Grade II listed)
- o Haylors Cottage (Grade II listed)
- o Casteye Cottage and Casteye Barn (both Grade II listed)

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Policy DP34 of the District Plan refers to listed buildings and other heritage assets. It states:

'Listed Buildings

Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o Special regard is given to protecting the setting of a listed building;*
- o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

Policy DP35 of the District Plan relates to Conservation Areas. It requires developments to *'protect the setting of the conservation area and in particular views into and out of the area.'*

The NPPF states that 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.

Paras 212 - 215 of the NPPF states:

'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.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

a) the nature of the heritage asset prevents all reasonable uses of the site; and
b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
d) the harm or loss is outweighed by the benefit of bringing the site back into use.

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.'

Whilst set back from the highway, the ornamental entrance gates, fencing and pillars would be visible from Haywards Heath Road as they are at the entrance to the site. For the reasons set out in the above section of the report, the proposal would be out of keeping with the character of the area and the verdant character of the street scene. It is thereby considered that the proposal would result in less than substantial harm to the setting of the designated heritage assets.

As set out in para 215 of the NPPF 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. It is considered that there are no public benefits that would arise from the proposal.

The proposal is thereby considered to conflict with policies DP34 and DP35 of the District Plan, Policy 2i.c of the Neighbourhood Plan and the relevant paragraphs of the NPPF.

Highways

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking. It states in part:

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

- The scheme protects the safety of road users and pedestrians....'

Paragraph 115 of the NPPF is relevant in respect of transport matters and states that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) 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.'*

In addition, para 116 states *'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 would be severe.'*

The proposal seeks to erect ornamental entrance gates, fencing and pillars together with road name plaques at the site access from Haywards Heath Road.

The Highways Authority has been consulted on the application and raise no objection. They consider that *'the proposed fencing and gates do not appear to restrict visibility for emerging vehicles or pedestrians of Haywards Heath Road nor do they overlap with the publicly maintained highway along Haywards Heath Road. The gates and fencing are proposed to be a "post and rail" arrangement which allows partial visibility to be retained for vehicles approaching the junction to retain visibility of pedestrians crossing at the access point.'*

The gates are proposed to be ornamental and are not to restrict functionality at this location.'

In light of the above they consider that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. The application is thereby considered to be acceptable in highway terms and comply with Policy DP21 of the District Plan and para 115 of the NPPF.

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 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 Balcombe 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 proposal would be out of keeping with the verdant character of the street frontage along Haywards Heath Road and would not provide an attractive street frontage into the development compared to the approved landscaping scheme, resulting in unnecessary street clutter to the entrance of the site. This would not fit into the rural edge of Balcombe nor preserve or enhance the character of this part of the High Weald Area of Outstanding Natural Beauty. In addition, the proposal would result in less than substantial harm to the setting of a number of designated heritage assets. The proposal would not result in any public benefits which would outweigh this less than substantial harm. The proposal is thereby considered to conflict with policies DP16, DP26, DP34 and DP35 of the District Plan, policies 2i and 3 of

the Neighbourhood Plan, the requirements of the NPPF and the provisions of the High Weald AONB Management Plan.

The proposal is contrary to the policies of the Development Plan and there are not considered to be any other material considerations which would justify a decision other than in accordance with the Plan.

Overall the planning balance is considered to fall significantly in favour of refusing planning permission.

Decision: Refusal

Case Officer: Joanne Fisher