

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1834	Case Officer:	Peter Davies
Application Type:	Householder Application		
Proposal:	Retrospective conversion of the existing garage to ancillary residential accommodation comprising a snug and utility room, together with the widening of the existing driveway using reinforced permeable gravel surfacing.		
Site:	11 Barnfield, Balcombe, Haywards Heath, West Sussex, RH17 6FW, , ,		
Validation Date	28 Jul 2026	Overall Expiry Date:	25 Sep 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	2 Oct 2026
Target Date:	22 Sep 2026	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Steven King	Date:	5 Oct 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1834

**11 Barnfield, Balcombe, Haywards Heath, West Sussex, RH17 6FW, ,
Retrospective conversion of the existing garage to ancillary residential accommodation
comprising a snug and utility room, together with the widening of the existing driveway using
reinforced permeable gravel surfacing.
Mr James Carr**

REPRESENTATION RECEIVED

1 letter of representation has been received in support of the application.

SUMMARY OF CONSULTEES

Southern Water: no objection

PARISH COUNCIL OBSERVATIONS

Balcombe Parish Council does not wish to make any representation on this application.

INTRODUCTION

The application seeks planning permission for a retrospective garage conversion to habitable space as well as proposed widening of the driveway using permeable gravel.

RELEVANT PLANNING HISTORY

DM/18/4541 - Erection of 16 no. dwellings and associated development. Permission.

DM/23/0704 - Proposed single storey rear extension. Permission.

DM/25/1973 - Loft conversion proposing 2 dormers windows on the rear elevation and Velux windows on the front roof slope. Permission.

DM/26/0216 - Retrospective Velux window and a side door added to the existing garage and proposed rooflight to rear roof. Permission.

DM/26/0972 - Retrospective garage conversion ancillary to residential accommodation (snug and utility) including installation of rear facing window. Refused and Appeal pending.

SITE AND SURROUNDINGS

The application property is a large, detached dwelling located within a cul-de-sac of 16 houses which is located within the south-eastern corner of Balcombe built-up area boundary, as defined in the District Plan. The countryside, as defined in the District Plan, surrounds Barnfield to the north, east and southern sides. The application site is located within the National Landscape of the High Weald Area of Outstanding Natural Beauty.

The property is of brick and tile construction and its rear garden to the north is enclosed by 2m high close boarded fencing. The dwelling has white uPVC windows and doors across ground and first floor with grey aluminium windows on the existing dormers. A road on its eastern boundary accesses two properties at the rear. The front gardens are of open plan landscaping. The site is flat.

APPLICATION DETAILS

The application seeks retrospective planning permission for a garage conversion to create a snug and utility room with a floor to ceiling window on the rear elevation. The garage door is to remain in place. The window is white uPVC.

The existing hardstanding driveway is to be widened using reinforced permeable gravel surfacing. The southwest side of the driveway is to be widened by a maximum of 1.75 metres and a minimum of 0.90 metres with a depth of 6.20 metres. The northeast side of the driveway is to be widened by 0.60 metres with a depth of 2.80 metres. The apple tree to the front is to be relocated to the rear garden.

Planning permission is required as permitted development rights were removed as well as preventing the conversion of the garage as part of application DM/18/4541.

Condition 23 of the original permission for the development states:

'The garage buildings and parking barns shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.'

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway and to accord with Policy DP21 of the Mid Sussex District Plan.'

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 District Plan, Site Allocation Development Plan Document (DPD) and 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 AONB

DP21 - Transport

DP26 - Character and Design

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

Balcombe Neighbourhood Plan made in 2016.

Relevant policy:

Policy 3 - Design

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation 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 is currently at Examination with initial hearings held in February/March 2026. The Council has consulted on Main Modifications which are required to ensure the plan is legally compliant and sound with further Hearings taking place in November 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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:

DPS2 - Sustainable Design and Construction
DPB1 - Character and Design
DPC4 - High Weald Area of Outstanding Natural Beauty
DPT4 - Parking and Electric Vehicle Charging Infrastructure

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 AONB Management Plan 2024-2029

West Sussex County Council Guidance on Parking at New Developments (September 2020)

National Planning Policy Framework (NPPF) (August 2026)

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 Character
- Impact on the High Weald AONB
- Impact on neighbouring properties
- Impact on parking provision
- Unauthorised Development
- Biodiversity Net Gain

Design and Character

Policy DP26 of the District Plan relates to character and design. In addition, policy 3 of the Neighbourhood Plan has a similar ethos. However, these are considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to policy DP3 of the NPPF.

Policy DP3 of the NPPF sets out the key principles for well-designed places. This sets out in part that proposals should respond to their context, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

The proposal has resulted in the only external alteration to the dwelling being the window on the rear elevation of the garage. The window is of the same materials to match the existing windows on the dwelling and is of an acceptable design. Additionally, the window is not visible from the street scene.

The proposed driveway will result in the loss of existing landscaping to the front as secured by condition 14 of DM/18/4541. This would result in the loss of the planting separating the application property driveway with the tandem parking for nos. 5, 7 and 9 Barnfield and create a continuous area of hardstanding for parking for the 4 properties adjoining onto the highway. The proposal would therefore not respond to or enhance the surroundings and have a harmful impact on the character of the area. The proposal would therefore not accord with policy DP3 of the NPPF, policy DP26 of the District Plan or policy 3 of the Neighbourhood Plan.

Impact on the High Weald AONB

The legal framework for AONBs, (now 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 protection of the High Weald AONB. However, this policy is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to policy N4 of the NPPF.

Policy N4 1 of the NPPF states:

'Development proposals within Protected Landscapes should be limited in scale and extent and sensitively located and designed to avoid harm to the statutory purposes and special qualities of the Protected Landscape. Substantial weight should be placed on the importance of conserving and enhancing the natural beauty of these areas, and to conserving and enhancing wildlife and cultural heritage in National Parks and the Broads.'

The application relates to a garage conversion of an existing dwelling as well as an increase to the size of the driveway within a new build development. It is situated within the built-up area of Balcombe. The proposal would not form an isolated development within the wider landscape. Due to the scale of the development, it is not considered to detract from the overall landscape quality of the AONB.

As such the proposal would comply with the requirements of policy N4 of the NPPF, Policy DP16 of the District Plan and The High Weald AONB Management Plan.

Impact on neighbouring properties

Policy DP26 in part seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. It is considered that this policy has very limited weight as it is considered to be materially inconsistent with the NPPF and greater weight should be given to policies L2 and P3 of the NPPF.

Policy L2 of the NPPF relates to making effective use of land. Part L2(1dii) requires proposals to have *'acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space.'*

Policy P3 of the NPPF relates to living conditions and pollution. Part 2(b) of this policy requires proposals *'Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site.'*

The garage conversion consists of internal works with a window at ground floor level facing into the application property garden and will therefore not result in unacceptable harm to neighbour amenities.

Due to the nature of the proposed works to widen the driveway to the front of the property it would not result in additional harm to neighbour amenities.

The proposal is therefore considered to comply with the above-mentioned parts of policies L2 and P3 of the NPPF and policy DP26 of the District Plan in respect of its impact on neighbour amenity.

Impact on parking provision

Policy DP21 of the District Plan seeks development to provide adequate car parking taking into account accessibility of development, the type, mix and use, and the availability and opportunities for public transport. It is considered that this policy has very limited weight as it is considered to be materially inconsistent with the NPPF and consideration should be given to policies TR4 and TR6 of the NPPF.

Policy TR4 of the NPPF relates to street design, access and parking. Part TR4(1e) requires proposals to *'Provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), any locally-set standards in the development plan, and including adequate provision of spaces and infrastructure that allow for the charging of electric vehicles in safe, accessible and convenient locations.'*

Policy TR6 of the NPPF relates to assessing transport impacts. Policy TR6(4) states *'Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.'*

Condition 23 of the original permission for the development (DM/18/4541) removed permitted development rights to convert the garage as set out within the application details of this report.

West Sussex County Council Parking Standards Guidance (2020) outlines the County Council's approach to parking at new developments to ensure that sufficient parking is provided to meet the needs of the development while maintaining highway network operations, protecting surrounding communities and pursuing opportunities to encourage use of sustainable modes of transport.

The application property was originally a 3 bedroom dwelling but has since been converted to a 4 bedroom dwelling as a result of a loft conversion approved in application DM/25/1973. West Sussex County Council September 2020 Parking Standards Guidance, outlines that for a 4 bed dwelling in parking behaviour zone 1, 2.7 spaces should be provided. The dwelling has parking for 1 car on the drive and the garage space already lost due to the retrospective nature of the proposal.

The proposed parking layout plan shows 2 spaces on the driveway however the space labelled as parking space 1 does not meet the 2.4 by 4.8 metre size requirements and therefore the widened driveway can only be considered to have space for 1 car on the driveway. Due to the angled boundary line the width of parking space is 2.30 metres and therefore 0.1 short of the size requirements.

The proposal therefore has 1.7 spaces less than the requirements of the parking guidance. Additionally, whilst there are no on street parking restrictions within the new build estate, due to the narrow layout of the roads, junctions and other properties parking, there is very limited parking except for 5 designated parking bays which are shown to be visitor bays in the approved parking allocation plan of DM/18/4541. The loss of the garage and widening of the drive would therefore not provide adequate car parking in highway terms and would be likely to cause obstruction and be prejudicial to highway safety.

As a result the proposal will create added on street parking pressures on an estate where there are already limited on street parking opportunities, and limited visitor spaces. Consequently, the proposal will result in a parking provision that fails to accord with the WSCC Parking Standards Guidance policies TR4 and TR6 of the NPPF and policy DP21 of the District Plan.

Unauthorised Development

National decision making policy DM8 2 states *'In cases of unauthorised development where consideration is being given to an application for retrospective planning permission (or through an enforcement appeal, whether to grant planning permission in respect of a breach of planning control), if it is concluded based on evidence that the unauthorised development was intentional, that fact should be given substantial weight in considering whether to grant planning permission.'*

The Councils' records show that the applicants proceeded with a Do I Need Planning Permission enquiry in February 2022 to receive informal advice from the Council as to whether converting the garage would require planning permission. This was responded to by an officer advising them of condition 23 and that therefore permission was required. This response was acknowledged by the applicants who advised they would not proceed with a planning application as they feel it is likely to be rejected.

It is therefore considered that policy DM8 is relevant to this application as the enquiry shows that the unauthorised works were carried out intentionally and therefore substantial weight should be given in considering whether to grant permission.

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.

PLANNING BALANCE AND CONCLUSION

The proposal would be acceptable in terms of the High Weald AONB and neighbour amenity. However, the proposal would result in harm to the character of the area and result in the loss of an off-street parking space and is likely to increase the need for on street parking as the driveway space is below the WSCC Parking requirements for a 4 bed dwelling in Balcombe. The proposal would increase the need for on street parking which is already limited which would lead to obstruction and be prejudicial to highway safety. As such, the proposal would be contrary to policies DP3, TR4, TR6 and DM8 of the NPPF, policies DP21 and DP26 District Plan and the West Sussex County Council Parking Standards Guidance, permission should be refused.

Due to the retrospective nature of the application, the local planning authority deems that enforcement action is necessary in order to address the concerns that have been raised.

Decision: Refusal

Case Officer: Peter Davies