

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0483	Case Officer:	Joanne Fisher
Application Type:	Reserved Matters Application		
Proposal:	Reserved matters application following Outline approval DM/22/0867 (AP/23/0015) for Improvements to the landscaping strategy and enhanced planting.		
Site:	Palmers Autocentre Tyres, Palmers Autocentre Tyres, Turners Hill Road, Crawley Down, Crawley, West Sussex, RH10 4HQ,		
Validation Date	24 Feb 2025	Overall Expiry Date:	21 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	1 May 2025
Target Date:	21 Apr 2025	Recommending Officer Signature:	<i>Joanne Fisher</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	1 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0483

Palmers Autocentre Tyres, Palmers Autocentre Tyres, Turners Hill Road, Crawley Down, Crawley, West Sussex, RH10 4HQ

Reserved matters application following Outline approval DM/22/0867 (AP/23/0015) for Improvements to the landscaping strategy and enhanced planting.

Mr James Meachim

SUMMARY OF REPRESENTATIONS

1 letter of objection concerning the following points:

- Neither application has a clear plan for the boundary with Thorne House which borders Plot 5;
- Two of the outbuildings to be demolished form the party wall to the garden with Thorne House and their demolition without proper like for like replacement would have a detrimental effect on property;
- There is no landscaping shown on the latest plan between plot 5 and Thorne House;
- Object to the demolition of the existing buildings as they formed a historic former wheelwright and mortuary; bays inhabit the roof space of the building;
- Wish to ensure the development will not need ongoing access to property of Thorne House and that the water meter will be re-sited onto the developers land.

SUMMARY OF CONSULTEES

MSDC Tree Officer

No objection.

MSDC Street Name and Numbering Officer

Informative.

TOWN/PARISH COUNCIL OBSERVATIONS

Defer to Officer.

INTRODUCTION

This application seeks reserved matters pursuant to outline approval DM/22/0867 (allowed at appeal under AP/23/0015) for improvements to the landscaping strategy and enhanced planting at Palmers Autocentre Tyres, Turners Hill Road, Crawley Down.

RELEVANT PLANNING HISTORY

DM/22/0867 - Outline application for the demolition of all existing buildings on-site, currently used for MOT/Garage/Tyre centre (B1/B2 Sui Generis), to be replaced with 5 dwellings (Residential C3) and associated parking. Refused

AP/23/0015 - Outline application for the demolition of all existing buildings on-site, currently used for MOT/Garage/Tyre centre (B1/B2 Sui Generis), to be replaced with 5 dwellings (Residential C3) and associated parking. Allowed.

DM/22/2589 - Demolition of all existing buildings on-site, previously used as a MOT / Garage / Tyre centre (B1/B2 Sui Generis) to be replaced with 4 dwellings (C3) and associated parking. Refused.

AP/23/0016 - Demolition of all existing buildings on-site, previously used as a MOT / Garage / Tyre centre (B1/B2 Sui Generis) to be replaced with 4 dwellings (C3) and associated parking. Allowed.

DM/24/2981 - Variation of condition 4 of planning appeal ref AP/23/0015 (DM/22/0867) - To allow for design changes. Approved.

DM/25/1060 - Discharge of condition nos 6, 7 and 8 relating to planning appeal AP/23/0015 (Original app DM/22/0867). Pending consideration.

SITE AND SURROUNDINGS

Palmer's Autocentre Tyres is a commercial site set off the Turners Hill Road in a rearward setting behind a row of detached dwellings. The site is accessed by a wide vehicular entrance bounded by hedgerow leading to the site itself which is set in a large area of hardstanding with a large commercial building constructed in brick and metal cladding with roller shutter doors as well as a brick detached two storey building and a single storey building.

The site is closed and vacant but was previously used for commercial purposes of MOT/Tyre Centre and Garage repairs.

The site is relatively level with hedgerow, trees and fencing on the boundaries.

To the south-east of the existing access is a Grade II Listed Building - Chelsea Cottage. This is not visible from the rear of the site due to the boundary vegetation and an outbuilding outside of the application site.

The surrounding area is characterised by sporadic linear development of dwellings adjacent to the Turners Hill Road. These dwellings are set on large plots and are of varying designs and scales. Along the front boundaries of these dwellings are vegetation providing a verdant character along the highway.

The site can be glimpsed in part between some of the dwellings along the highway.

The application site is situated within the countryside as designated within the Mid Sussex District Plan and the Neighbourhood Plan.

APPLICATION DETAILS

This application seeks reserved matters pursuant to outline approval DM/22/0867 (allowed at appeal under AP/23/0015) for improvements to the landscaping strategy and enhanced planting.

The submitted landscape plan sets out that 9 new trees are to be planted along the existing access road leading into the site with 6 no trees within the site to the front of the dwellings, and 4 further trees within the site to the side and end of the cul-de-sac road. Gardens for the 5 dwellings would be laid to turf with planting beds to the front of the dwellings, and to part of the entrance way into the site.

As part of the submission a landscaping plan and a soft landscaping plan schedule and specification has been provided. During the course of the application an amended landscaping schedule has been submitted to provide native tree planting.

Hard landscaping is to comprise of the access road and internal cul-de-sac road, paths and driveways. This would be of various hard surfacing materials of permeable paving and permeable resin bound paving for the parking spaces.

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, and*
- 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 Crawley Down Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) 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 policy:

DP37 - Trees, Woodland and Hedgerows

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.

Crawley Down Neighbourhood Plan

The Neighbourhood Plan was made in January 2016.

There are no policies considered to be relevant.

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections

to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policy:

DPN4: Trees, Woodland and Hedgerows

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

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

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

ASSESSMENT

This is a reserved matters submission where the principle of development, access, appearance, layout and scale has already been established under the approval granted under reference AP/23/0015.

In this respect, the range of issues is somewhat restricted, and the only matter for consideration in the determination of application being landscaping.

Landscaping

Policy DP37 of the Mid Sussex District Plan states that:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

Principle DG27 of the Design Guide sets out that native trees and shrubs and longer-lived species should be selected where possible and appropriate as they support a greater variety of wildlife, are often more suited to local conditions.

In addition, principle DG5 of the Design Guide sets out that where hard landscaping is needed, porous materials should normally be maximised to enable infiltration and manage rainfall at source.

Plans submitted as part of the application details the proposed soft landscaping for the site. This is to comprise of native tree planting, planting beds, and grass with hard surfacing for the access road, paths and driveways.

The Council's Tree Officer has considered the revised information concerning the native planting on the access road and within the site. They have raised no objection to the proposed landscaping. Native planting is supported within the Design Guide, and it is considered that the species proposed is appropriate.

In respect of the hard landscaping, details have been provided in respect of the hard surfacing to be provided for the internal access road, paths and driveways for the dwellings. These are to comprise of various hard surfacing materials of permeable paving and permeable resin bound paving for the parking spaces. It is considered that this detail is acceptable.

It is noted that no details in respect of boundary treatments has been submitted as part of the application. The neighbour at Thorne House has raised concern on the boundary treatment between plot 5 and their garden due to an existing building on the boundary and the removal of this which would lead to a loss privacy. The loss of the building has been considered as part of the outline scheme where the relationship between these dwellings was considered acceptable. It is considered that the details in respect of boundary treatments could be dealt with by condition.

The proposal is thereby considered to comply with Policy DP37 of the District Plan and the design principles of the Design Guide.

Other matters

The comments from Thorne House are noted. Outline permission for the re-development of the site and the demolition of the buildings was allowed at appeal under AP/23/0015. The Inspector considered that based on the ecology information submitted that the demolition of these buildings was acceptable. The issue in respect of the water meter is a private meter between the developer and the neighbour.

PLANNING BALANCE AND CONCLUSION

This application seeks reserved matters consent for the approval of landscaping pursuant to the outline planning permission allowed at appeal under AP/23/0015 which granted consent for the erection of 5 dwellings.

Planning legislation requires the application to be determined in accordance with the Development Plan unless material circumstances 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 proposed landscaping is considered acceptable, in keeping with the character of the area and will not result in significant detriment to the amenities of surrounding residential occupiers.

The proposal is thereby considered to comply with policy DP37 of the District Plan, the design principles of the Design Guide, and the requirements of the NPPF.

Decision: Permission

Case Officer: Joanne Fisher