

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1373	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Proposed dropped kerb and the creation of a new vehicular access.		
Site:	Hogs Croft, London Road, Albourne, Hassocks, West Sussex, BN6 9BJ, ,		
Validation Date	18 Jun 2026	Overall Expiry Date:	8 Sep 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	25 Sep 2026
Target Date:	13 Aug 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	30 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1373

**Hogs Croft, London Road, Albourne, Hassocks, West Sussex, BN6 9BJ,
Proposed dropped kerb and the creation of a new vehicular access.
Mr Graham Elsey**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

West Sussex County Council Highways: *'In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'sever' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.'*

Tree Officer: No objection.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: *'Albourne Parish Council has no objections to this application.'*

INTRODUCTION

The application seeks planning permission for a dropped kerb and for the creation of a new vehicular access.

RELEVANT PLANNING HISTORY

09/00594/FUL - Extension to study and two storey extension to rear. (Amended plans received on 21.05.09). Permission 25.06.2009.

SITE AND SURROUNDINGS

The application relates to Hogs Croft, which is a detached two storey residential dwelling. The property is set to the eastern side of the highway and is served access by an existing shared driveway which connects to the B2118 to the north-west. The dwelling is set at a higher finished floor level than the roadside and a line of mature tree planting is set between the property and the roadside. The existing dwelling is composed of brickwork and tile hanging to the walls, an oak framed porch a tiled roof and brown framed windows.

With regard to the site's locality, there are several other detached residential dwellings set within generous plots with some variance in layouts and designs of the dwellings throughout.

The site is not set within any settlement boundary as defined by the Mid Sussex District Plan.

APPLICATION DETAILS

The proposal would develop a new driveway to the west of the site and would be finished in tarmac and would include brick retaining walls on either side of the driveway.

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 the Albourne 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:

DP12: Protection and Enhancement of the Countryside

DP21: Transport

DP26: Character and Design

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.

Neighbourhood Plan

Albourne Neighbourhood Plan (Made September 2016)

The Relevant Policies:

ALC1: Conserving and Enhancing Character

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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPB1 - Character and Design

DPN4 - Trees, Woodland and Hedgerows

DPC1 - Protection and Enhancement of the Countryside

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.

National Planning Policy Framework (NPPF) (August 2026)

The National Planning Policy Framework (NPPF) 2026 is a material consideration. Policies N6, DP3, TR4, TR6, L2, P3, S3 and S5 are relevant to this application.

ASSESSMENT

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

- Character and Design
- Protection and Enhancement of the Countryside
- Impact on Neighbouring Amenities
- Highways Impact
- Trees Impact
- Biodiversity Net Gain

Character and Design

Policy DP26 of the District Plan relates to character and design. However, Policy DP26 is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to Policy DP3 of the NPPF.

Policy DP3 of the NPPF in part states:

'To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location.

e. Built Form: use the pattern of buildings to define the arrangement of streets, squares and other spaces, promote compact forms of development to optimise the site's potential, distinguish between public and private areas, create focal points and, where appropriate, enhance views into and out of the scheme;

g. Identity: create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting'.

There is an existing line of mature hedgerow and tree planting to the eastern side of the road with the existing access to the north which serves a cluster of dwellings, including the application site. It is considered that the proposed tarmacked access would be read in connection with this existing access and would not appear overly incongruous in the site's locality. Furthermore, the proposed brick retaining walls would be of a low height and therefore of a residential nature.

In light of the above, the proposed development is considered to result in an acceptable impact in terms of the character and appearance of the area. The proposal would accord with the provisions of policy DP3 of the NPPF and Policy DP26 of the Mid Sussex District Plan.

Protection and Enhancement of the Countryside

Policy DP12 of the District Plan relates to developments impact on the countryside. Furthermore, Policy ALC1 of the Neighbourhood Plan has a similar ethos. However, these policies are considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to Policies S3 and S5 of the NPPF.

Policy S5 of the NPPF in part states:

'Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:

c. The reuse, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the existing building. In the case of proposals for a replacement building, it should be for the same use and not disproportionately larger than the one it replaces'

The proposed development would be of a domestic nature and is considered to be viewed in conjunction with the existing residential unit. As such, the development proposal would not constitute an isolated form of development in a countryside location.

It is considered that the proposal would therefore comply with the provisions of Policies S3 and S5 of the NPPF, Policy DP12 of the District Plan and Policy ALC1 of the Neighbourhood Plan.

Impact on Neighbouring Amenities

In assessing the potential impact of the proposed development works upon the neighbouring amenities consideration needs to be given to District Plan Policy DP26.

However, policy DP26 is considered to have very limited weight as it is 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 and in relation to additional development within existing plots states in part that proposals should:

'Maintain safe access and egress for occupiers and users, and 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 and in part states that development 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. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting)'

The proposed development is not considered to give rise to an unacceptable loss of light, overlooking or overbearing impact towards the neighbouring properties.

It is therefore considered that the proposal would comply with the provisions of Policies L2 and P3 of the NPPF and Policy DP26 of the District Plan.

Highways Impact

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals. Policy DP21 is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to policies TR3, TR4 and TR6 of the NPPF.

Policy TR4 of the NPPF requires development proposals to support sustainable transport objectives, including by providing safe and suitable access to sites and promoting opportunities for travel by sustainable modes. Policy T6 confirms that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the transport network would be severe.

Policy TR6 of the NPPF relates to assessing transport impacts and part 4 of this policy states that *'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.'

The proposed access would adjoin London Road which is a B-classified road subject to a 40mph speed limit.

It was commented in the response from the Local Highway Authority that the proposed visibility splays would be well in excess of 2.4m x 120m and would be in accordance with the Design Manual for Road and Bridges Parameters. It was also noted that a separate highways license would be required to carry out works to the highway.

It is considered that the proposal would comply with the provisions of policies TR4 and TR6 of the NPPF and Policy DP21 of the MSDP in terms of the scheme's highways impact.

Trees Impact

Policy DP37 of the MSDP relates to new developments impact on trees. However, this policy is materially inconsistent with the NPPF and should be given very limited weight and greater weight should be given to Policy N6 of the NPPF.

Policy N6 of the NPPF relates to areas of particular importance for biodiversity and geodiversity. Within this there is a requirement that proposals which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

No trees within the immediate vicinity of the proposed works were identified as being subject to a tree preservation order nor any other designation.

The submitted arboricultural impact assessment, method statement and tree protection plan notes that part of the existing hedgerow would be removed as well as category C field maple tree. The Tree Officer raised no objection towards the proposed works and requested that adherence to aforementioned statements be secured through a condition.

In light of the above, the proposal is considered to result in an acceptable impact with regards to trees. The proposal would accord with Policy N6 of the NPPF and Policy DP37 of the District Plan.

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

In conclusion, the proposal is appropriate in terms of design and will not negatively impact on the host dwelling nor its immediate setting, will not harm neighbouring amenities, result in an acceptable impact on the countryside, highways and trees.

The proposal will comply with Policies N6, DP3, TR4, TR6, L2, P3, S3 and S5 of the NPPF, Policies DP12, DP26, DP21 and DP37 of the Mid Sussex District Plan, Policy ALC1 of the Albourne Neighbourhood Plan and the Mid Sussex District Council Design Guide.

Decision: Permission

Case Officer: Stefan Galyas

