

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1112	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Proposal for a new garden artist studio		
Site:	The Holt, Stonehurst, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TN,		
Validation Date	28 Apr 2025	Overall Expiry Date:	21 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	30 May 2025
Target Date:	23 Jun 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	Stephen Ashdown	Date:	30 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1112

The Holt, Stonehurst, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TN
Proposal for a new garden artist studio
Mr Philip Stinson

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

West Sussex Naturespace Partnership: It is considered that the proposed development would present a low risk to great crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping, I recommend that the following informative should be attached to planning consent:

"The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

Additionally, all vegetation within the works area shall be maintained at a maximum height of 30mm until construction is completed through regular mowing or grazing in order to discourage great crested newts from using the site. All works shall be carried out in accordance with the following measures:

- o Any demolition materials should be stored in skips or similar containers rather than in piles on ground
- o Any trenches left overnight should be covered or provided with ramps to great crested newts from becoming trapped.
- o Any building materials such as bricks, stone etc. should be stored on pallets to discourage great crested newts from using them as shelter

PARISH COUNCIL COMMENTS

No objection

INTRODUCTION

Planning permission is sought for a new detached garden artist studio.

RELEVANT PLANNING HISTORY

05/00275/FUL - Replacement of existing dilapidated wooden fence with wooden close board fence of height 5' 6" (approved)
07/00891/FUL - Alteration and extension within existing building lines (approved)
08/00302/FUL - Minor alteration to approved scheme (AR/07/00891/FUL) (approved)
09/00261/FUL - Minor amendments to approved development 08/00302/FUL. (approved)

DM/25/0888 - Structural repair works to existing roof structure, re-roofing, installation of three roof lights and general refurbishment works to potting shed, (approved)

SITE AND SURROUNDINGS

The existing detached clay tiled pitched roofed potting shed lies on the north-western boundary of the property curtilage. The building is characterised by timber doors and windows with face brickwork walls. The main property The Holt is a large detached hipped roofed dwelling characterised by face brickwork and hanging tiles with timber doors and windows characterised by extensions.

To the north of the site is the garden of neighbouring South Lodge, to the south of the site is the tennis court with the main dwelling beyond, to the west of the site is the boundary wall to highway beyond and to the east is the rear garden.

The site is outside of the built-up area of Ardingly and within the High Weald AONB.

APPLICATION DETAILS

The proposed artist's studio approximately measures 4.5m in depth, 6.6m in width with a height to eaves of 2.6m and an overall height of 4.2m. A rooflight to the north elevation approximately measures 2.6m by 1m and PV panel to the south elevation approximately measures 3.7m by 0.8m.

Outdoor stone tile terracing will surround the studio to the east (4.2m by 3.8m) and west (4.2m by 3.7m) measuring with the creation of raised flower beds measure 4.2m by 2m and 0.6m in height.

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 Ardingly 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 countryside
DP16 - High Weald Area of Outstanding Natural Beauty
DP26 - Character and design
DP36 - Historic parks and gardens

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.

Ardingly Neighbourhood Plan

Mid Sussex District Council formally 'made' the Ardingly Neighbourhood Plan part of the Local Development Plan for the Parish of Ardingly as of 18 March 2015. The policies contained therein carry full weight as part of the Development Plan for planning decisions within Ardingly.

Relevant policies include:

ARD5 (Housing Design)

Other Material Considerations

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 policies:

DPN5 - Historic Parks and Gardens
DPC1 - Protection and Enhancement of the Countryside
DPC4 - High Weald of Outstanding Natural Beauty
DPB1 - Character and Design

Supplementary Planning Documents (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.

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

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131, 135 and 189 are considered to be relevant to this application.

Protection and Enhancement of the Countryside

DP12 of the Mid Sussex District Plan in part states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

The domestic nature of the outbuilding it is deemed in character with the rural location of the site and would be viewed in the context of the adjacent potting shed.

Character and Design

DP26 of the District Plan states:

'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;*
- 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;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- 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'*

ARD5 of the Ardingly Neighbourhood Plan states *'The Neighbourhood Plan requires all developments, including alterations to existing buildings, to be sympathetic of the character and scale of surrounding buildings and landscape'.*

Policy DP36 of the District Plan relates to historic parks and gardens and states that:

'The character, appearance and setting of a registered park, or park or garden of special local historic interest will be protected. This will be achieved by ensuring that any development within or adjacent to a registered park, or park or garden of local historic interest will only be permitted where it protects and enhances its special features, setting and views into and out of the park or garden.'

The proposal is a modestly sized outbuilding seen in context with the adjacent potting shed, the proposal uses materials (timber cladding and brick) which are sympathetic to its usage and surroundings. It will only be glanced from the streetscene from Selsfield Road above the boundary wall, but its visibility is predominantly blocked by the potting shed.

The proposal will therefore comply with DP26 and DP36 of the Mid Sussex District Plan, ARD5 of the Ardingly Neighbourhood Plan and the relevant paragraphs of the NPPF.

Impact on 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.

Paragraph 189 of the NPPF 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. 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.'

Policy 16 of the District Plan requires proposals in the AONB to conserve or enhance natural beauty. Paragraph 189 of the NPPF is also relevant. This states, in part:

'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. 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.'

Given the domestic nature of the proposal, it would not converse the scenic beauty of the High Weald AONB.

As such it would not have any adverse impact on the landscape quality of the AONB and it complies with the requirements of policy DP16 of the District Plan, High Weald AONB Management Plan 2024-2029 and paragraph 189 of the NPPF as the character of the AONB would be conserved.

Impact on neighbouring amenities

In terms of impact upon neighbouring amenities Policy DP26 in part seeks to ensure 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);'

Principle DG47 of the Mid Sussex Design Guide SPD relates to neighbouring amenities in terms of light and states:

'All dwellings should benefit from daylight and sunlight levels that conform to BRE (Better Regulation Executive) standards'.

Given the location and nature of the proposal and the relationship with the neighbouring properties, the proposal complies with DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

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 proposed outbuilding is appropriate in terms of design and does not negatively impact on the wider appearance of this property, its countryside location, its immediate setting within a historic garden, or the High Weald Area of Outstanding Natural Beauty and will not harm neighbouring amenities.

It therefore complies with Policies DP12, DP16, DP26 and DP36 of the District Plan, ARD5 of the Ardingly Neighbourhood Plan, the MSDC Design Guide, The High Weald Area Management Plan and the requirements of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell