

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1048	Case Officer:	Joanne Fisher
Application Type:	Householder Application		
Proposal:	The retention of existing building (due to be demolished under planning permission DM/22/2429) to create a car port and garden store to be used in connection with newly constructed dwelling.		
Site:	The Conservatory, Duckyls, Selsfield Road, West Hoathly, East Grinstead, West Sussex, RH19 4LP,		
Validation Date	22 Apr 2025	Overall Expiry Date:	3 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	11 Jul 2025
Target Date:	17 Jun 2025	Recommending Officer Signature:	<i>Joanne Fisher</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	14 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1048

The Conservatory, Duckyls, Selsfield Road, West Hoathly, East Grinstead, West Sussex, RH19 4LP

The retention of existing building (due to be demolished under planning permission DM/22/2429) to create a car port and garden store to be used in connection with newly constructed dwelling. Mr And Mrs Tattersall

SUMMARY OF REPRESENTATIONS

2 letters of support:

- Result in less noise as will not be demolishing part of the existing building;
- Seeks to retain and update the existing building.

SUMMARY OF CONSULTEES

None.

PARISH COUNCIL OBSERVATIONS

The Parish Council has no objections.

INTRODUCTION

Permission is sought for the retention of an existing building (due to be demolished under planning permission DM/22/2429) to create a car port and garden store to be used in connection with newly constructed dwelling at The Conservatory, Duckyls, Selsfield Road, West Hoathly.

RELEVANT PLANNING HISTORY

DM/20/1833 - Demolish the existing dwelling and construct a replacement three bedroom, single storey dwelling with associated landscaping. Approved.

DM/22/1031 - Discharge of conditions 4 and 5 relating to planning reference DM/20/1833. Approved.

DM/22/1329 - Discharge of planning condition number 3 relating to planning application DM/20/1833. Approved.

DM/22/1489 - Variation of Condition 2 in relation to DM/20/1833. Approved.

DM/22/2429 - Variation of condition 2 from application DM/22/1489 - to replace approved plans to allow the enclosing of the rear open sided canopy with glazing. Approved.

Condition 11 of this approval states:

'Within three months of the substantial completion of the new dwelling hereby permitted, the existing dwelling and outbuildings (as shown on drawing PL-100) shall be fully demolished and the debris removed from the site.'

Reason: To protect the appearance of the area and to accord with Policies DP12 and DP15 of the Mid Sussex District Plan 2014 - 2031.'

DM/23/1297 - Installation of 25 x ground mounted Solar Photovoltaic Modules at ground level, within 1m of boundary walls. Approved.

DM/23/2086 - The retention of part of existing dwelling (due to be demolished under planning permission DM/22/2429) to create a car port and garden store to be used in connection with newly constructed dwelling. Approved.

SITE AND SURROUNDINGS

The new dwelling approved under DM/22/2429 has been constructed and is occupied. The former dwelling is still in place. Access and hardstanding is to the south-western (side) of the original property and to the rear of this building.

The site forms part of the former Duckyls Park Estate which was subdivided in the early 1970's.

The site is enclosed on its southern and western sides by a high wall with fencing and vegetation to the northern and eastern boundaries.

To the south-east and north-east of the property are former nursery beds which are set at a lower level than the ground which used to have greenhouses over.

The site lies within the countryside and the High Weald Area of Outstanding Natural Beauty as defined in the District Plan and the West Hoathly Neighbourhood Plan.

APPLICATION DETAILS

Permission is sought for the retention of the former dwelling to create a car port and garden store.

The whole of the building would be retained with external alterations of cladding the whole of the building in timber feather-edge boarding, creating 4 openings on the southern elevation to form 4 parking bays for the carport, removing the gable and three door/window openings on the southern elevation and all windows on the northern (rear) elevation.

During the course of the application, amended plans have been received removing the chimneys on the building and continuing the featheredge boarding to part of the southern, western and northern elevation where the garden store is proposed.

A planning statement accompanies the application which states that this application 'seeks to allow the retention of the whole building, which will allow a larger garden store and the number of car port bays to be increased from three to four large bays. This change will avoid the need to demolish the existing building, which has financial and environmental implications. The owners also require a further car bay for the keeping of their vehicles, and the enlarged garden store will provide additional capacity for keeping wood, a secure area for keeping garden machinery and tools, and an enlarged workshop/crafting area for the owner's various hobbies.'

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 West Hoathly 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

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 West Hoathly Neighbourhood Plan was made on the 16th April 2015 and forms part of the development plan, carrying full weight.

There are no relevant policies

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 policies:

DPS2: Sustainable Design and Construction
DPC1: Protection and enhancement of the countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPB1: Character and design

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

The legal framework for AONBs 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'.

National Planning Policy Framework (NPPF) (December 2024)

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 HWAONB; and
- Impact on neighbour amenities

Design and Impact on character of the area and the HWAONB

One of the objectives of achieving sustainable development is to ensure that proposals '*contribute to protecting and enhancing our natural, built and historic environment*' (para 8, NPPF). In addition, the NPPF states that policies and decisions should contribute to and enhance the natural and local environment by '*recognising the intrinsic character and beauty of the countryside*' (para 180).

As the proposed development is located within the countryside the proposal, Policy DP12 of the District Plan is relevant. The principal aim of Policy DP12 of the District Plan states the: '*countryside will be protected in recognition of its intrinsic character and beauty.*'

The site also 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*'. A similar ethos is found in EG1 of the Neighbourhood Plan.

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 Areas of Outstanding Natural Beauty, 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 and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape.

The proposal is to retain the former dwelling as a store and a 4-bay carport. The external alterations proposed to the building are sensitive to its intended use and appropriate to the design of the dwelling. The proposal would maintain the character of this part of the countryside.

It is considered that the design and scale of the buildings are appropriate and in proportion to the existing property and would not detract from the character of the area. In addition, the retention of this building would not result in an overdevelopment of the site.

Given the design, form, scale, materials and position of the proposal in relation to the existing dwelling within the site and its limited visibility within the wider landscape it is considered that the proposal would not have an impact on the AONB and would conserve it.

The proposal thereby complies with policies DP12, DP16 and DP26 of the District Plan.

Impact on Neighbouring Amenities

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *'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'*.

The proposal is to retain the former single storey dwelling situated to the north of the site and use it as a carport and garden store. The chimneys to the building and parts of the external walls would be demolished for its intended use, with the building being clad in timber. There is dense vegetation screening on the boundary with the neighbour 'Duckyls' to the north, and the buildings are set within the site away from the property 'South Lodge.'

It is considered that due to the intended use and that as the proposal would not extend the existing building there would not be significant harm to the amenities of the neighbouring properties.

The proposal thereby complies with the relevant criteria of policy DP26 of the Mid Sussex 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

The proposal is considered would maintain the character of the countryside and would conserve and enhance the AONB. The proposal is to retain an existing building, making amendments to its existing design and materials so that it forms an incidental use to the main dwelling. Given the scale and design it is considered that it would be appropriate and in proportion to the existing property and would not detract from the character of the area. In addition, it is considered that the proposal would not cause significant harm to the amenities of neighbouring properties. Therefore the proposal complies with policies DP12, DP16 and DP26 of the Mid Sussex District Plan, the requirements of the High Weald AONB Management Plan 2024-2029, and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Joanne Fisher