

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1054	Case Officer:	Hamish Evans
Application Type:	Householder Application		
Proposal:	Existing garden store converted to annex accommodation, no alterations to external elements.		
Site:	Nursery Barn, Church Lane, Albourne, Hassocks, West Sussex, BN6 9BZ, ,		
Validation Date	22 Apr 2025	Overall Expiry Date:	15 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	14 Aug 2025
Target Date:	17 Jun 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	15 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1054

**Nursery Barn, Church Lane, Albourne, Hassocks, West Sussex, BN6 9BZ,
Existing garden store converted to annex accommodation, no alterations to external elements.
Mr Clive Wheeler**

SUMMARY OF REPRESENTATIONS

One third-party letter of representation has been received in respect of this application. It writes in support of the application and sets out information regarding planning case law for ancillary development.

SUMMARY OF CONSULTEES

MSDC Housing Officer

Advice on Housing Standards legislation.

PARISH COUNCIL OBSERVATIONS

Albourne Parish Council

No objection. Support that the proposal should be ancillary and conditions be imposed.

INTRODUCTION

The application seeks planning permission for the conversion of an existing garden store to annex accommodation at Nursery Barn, Church Lane, Hassocks.

RELEVANT PLANNING HISTORY

DM/18/0635. Demolition of the existing building and the erection of a single residential (C3 Use Class) dwelling with associated works including access, landscaping and services works. Permission.

DM/18/2811. Variation of condition 2 of planning application DM/18/0635, to allow minor amendments to approved plans and elevations, including entrance gates and covered bbq building (amended plans received 20 September 2018). Permission.

SITE AND SURROUNDINGS

The application site is located within the countryside, with the built-up area boundary of Albourne some 240 metres to the northeast of the site. The application site consists of a two-storey detached dwelling, a number of single storey buildings associated and a relatively significant curtilage. The main dwelling is characterised by sandstone, flint and bare brick walls, brown clay roof tiles and dark uPVC window and door frames. The single storey building used in association with the existing dwelling are located to the east and north of the existing dwelling. They are characterised by horizontal timber clad walls, grey slate roofing and a mixture of timber and dark uPVC window and door frames. The application relates to the single storey building to the northwest of the dwelling. It was permitted by applications DM/18/0635 and DM/18/2811 and the approved plan show that it is to be used as a bin storage area and parking area.

The surrounding area is semi-rural in its nature residential with residential properties located to the north of the site and open fields located to the south, east and west of the site. A Public Right of Way is located to the south of the site.

APPLICATION DETAILS

The application seeks planning permission for the conversion of an existing outbuilding to annex accommodation at Nursery Barn, Church Lane, Hassocks. The application documents advise that the development has already taken place and it was completed on 21st June 2020. As such the application is retrospective and has been submitted under Section 73A of the Town and Country Planning Act 1990.

The converted building includes a bedroom with ensuite, a W/C, kitchen/dining area, living area and hallway. The submitted documents state that the building is used as annexe accommodation for Nursery Barn Church Lane.

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 Allocation Development Plan Document (DPD) and 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 - Countryside
- DP15 - New dwellings in the countryside
- 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.

Albourne Neighbourhood Plan (adopted 22nd September 2016)

Relevant policies:

ALC1 - Countryside - Conserving and Enhancing Character
ALH1 - Housing - Housing Development

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:

DPC1- Protection and Enhancement of the Countryside
DPC3 - New Homes in the Countryside
DPB1 - Character and Design
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) (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

The primary considerations of the application relate to the principle of the development, its impact on character and appearance, enhancement of the countryside, impact on nearby residents and biodiversity.

Principle

As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Albourne as defined by the District Plan. As such the site is located within the defined Countryside.

Policy DP12 of the District Plan refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. A similar ethos is contained within policy ALC1 of the Albourne Neighbourhood Plan.

Policy DP15 of the Mid Sussex District Plan relates to new homes in the countryside and in part states:

'DP15: Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

- *Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or*
- *In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or*
- *Affordable housing in accordance with Policy DP32: Rural Exception Sites; or*
- *The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.*

Permanent agricultural (includes forestry and certain other full time rural worker) dwellings will only be permitted to support existing agricultural activities on well-established agricultural units where:

- *The need cannot be fulfilled by another existing dwelling on or any other existing accommodation near the agricultural unit; and*
- *It can be proven that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times; and*

- *It can be proven that the farming enterprise is economically viable; and*
- *It can be proven that the size of the dwelling is commensurate with the established functional requirement of the agricultural unit.*

Temporary agricultural dwellings essential to support a new farming activity either on a newly created agricultural unit or on an established one will be subject to the criteria above and should normally be provided by temporary accommodation.

Applications for the removal of agricultural occupancy conditions will only be permitted where it can be proven that there is no longer any need for the dwelling for someone solely, mainly or last working in agriculture or forestry or other rural based enterprise. This will be based on an up to date assessment of the demand for farm (or other occupational) dwellings in the area as a whole, and not just on a particular holding.

New 'granny annexes' that are physically separate to the dwelling are defined as a new home and are subject to the same requirements as above.'

A similar ethos is contained within policy ALH1 of the Albourne Neighbourhood Plan.

The application building is physically separate from the main dwelling at the site and all the facilities needed for an independent residential unit have been installed within the building. It has full kitchen facilities, a bedroom, shower room, toilet and living space. Whilst this is noted the building does not have any independent external private amenity space and it does share an access with Nursery Barn. The building is within close proximity of Nursery Barn with it being some 10 metres to the north of the main dwelling on the site.

Taking into account the above the building is considered to be an annexe which services Nursery Barn the main dwelling on the site and a condition can be imposed to ensure that the building would only be used for purposes ancillary to the main dwelling. Therefore, an independent unit of accommodation has not been created and the requirements of policy DP15 are not considered to be relevant. Taking into account the above subject to its compliance with other policies within the Development Plan, the principle of the development is considered to be acceptable and it would in principle comply with policies DP12 and DP15 of the Mid Sussex District Plan and policies ALC1 and ALH1 of the Albourne Neighbourhood Plan.

Character and Appearance and Protection and Enhancement of Countryside

Policy DP12 of the Mid Sussex District Plan seeks to maintain or where possible enhance the quality of the rural landscape character of the District.

A similar ethos is contained within policy ALC1 of the Albourne Neighbourhood Plan.

Policy DP26 of the Mid Sussex District Plan in part 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;*
- *protects valued townscapes and the separate identity and character of towns and villages;*

- *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 DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The application relates to a change of use of the existing building and does not include any external alterations to the existing building. Taking into account the limited external alterations the works address the character and scale of the existing and surrounding buildings and landscape and maintain the quality of the rural landscape character of the District. It is considered to comply with the above parts of policies DP12 and DP26 of the Mid Sussex District Plan, policy ALC1 of the Albourne and the Mid Sussex Design Guide SPD.

Highways

Policy DP21 of the Mid Sussex District Plan in part states:

'The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;

The scheme protects the safety of road users and pedestrians;'

The building that has been converted was originally permitted in 2018 to be used as a garage and bin storage building. It should be noted that condition 11 of permission DM/18/0635 states that the parking spaces approved as part of that application are used for their designated purposes at all times. Due to the development the site has lost one off-street parking space. Due to the size of the hardstanding to the north of the existing dwelling and the existing parking spaces within other single storey buildings at the site, the loss of one off-street parking space is considered to be acceptable. The access to the building is the existing access to the site. As such the resulting parking and access arrangement are considered to be acceptable.

Therefore, the parking arrangements and access point to the highway would be acceptable and the application would therefore comply with policy DP21.

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);'

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The use that the application relates to would be the same residential use at the existing site and the application building is set away from the boundaries of the site. The existing building is single storey in its nature and the existing opening would not have direct views into neighbouring properties private amenity space. The existing windows are considered to provide adequate sunlight and daylight for the use. As such the application is considered to not cause significant harm to the amenities of existing

nearby residents and future occupants of the site and it complies with 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

In conclusion, the development is considered to result in an annexe that would be used ancillary to the main dwelling, which can be secured by a suitably worded condition as such the principle of development is considered to be acceptable. Due to the scale and nature of the development it would address the character and scale of the existing and surrounding buildings and landscape and maintain the quality of the rural landscape character of the District. The resulting parking arrangement is considered to be acceptable and it would not cause significant harm to the amenities of nearby residents. The development is exempt from the requirements of BNG. Therefore, the proposal is considered to comply with policies DP12, DP15, DP21 and DP26 of the Mid Sussex District Plan, policies ALC1 and ALH1 of the Albourne Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Hamish Evans