

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2868	Case Officer:	Andrew Watt
Application Type:	Householder Application		
Proposal:	Proposed garage, workshop and garden store ancillary building.		
Site:	Willow Barn, Copyhold Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5ED, ,		
Validation Date	21 Jan 2025	Overall Expiry Date:	19 Feb 2025
Pre-Commencement Conditions Required:	Yes	Pre-Com Conditions Date Agreed:	18 Mar 2025
Recommendation:	Permission	Recommendation Date:	18 Mar 2025
Target Date:	18 Mar 2025	Recommending Officer Signature:	Andrew Watt

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

Signed and Agreed By:	Steven King	Date:	18 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2868

**Willow Barn, Copyhold Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5ED,
Proposed garage, workshop and garden store ancillary building.
Mr A Choudhury**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

Southern Water

Southern Water has determined the Flow rate for the above site will remain the same/similar as capacity is not an issue and no Southern Water assets will be affected. Therefore, Southern Water has no objections to this proposal.

TOWN / PARISH COUNCIL OBSERVATIONS

None received.

INTRODUCTION

Full planning permission is sought for a proposed garage, workshop and garden store ancillary building.

RELEVANT PLANNING HISTORY

12/01627/FUL: Conversion of existing un-used barn to provide ancillary leisure accommodation. Permission.

12/03818/FUL: Conversion of existing un-used barn to provide ancillary leisure accommodation. Permission.

DM/17/3104: Change of Use from ancillary use to detached dwelling on plot parking and amenity area Appeal lodged for non-determination. Appeal allowed.

DM/19/1994: Provision of two new ground floor windows. Permission.

DM/21/0127: Proposed detached double garage/workshop/garden store to the rear (address amended to Willow Barn). Permission.

SITE AND SURROUNDINGS

The application site is located to the north western side of Copyhold Lane, with Copyhold Lodge to the north east, an access leading to Lodge Farmhouse and Lodge Farm Barn to the south eastern (side) boundary. The site is a former agricultural barn with a later attached stable block, which gained planning permission in 2012 to be partially converted into ancillary leisure use in connection with the main house (hobbies area, cinema area, table tennis area, studio, sauna/steam room and gym, with 5 loose boxes). Piecemeal development has taken place since then, with a more recent consent to change it from ancillary to a detached dwelling. The original stables have been almost completely removed, with a projecting single storey element the only remnant, but which has seemingly been rebuilt to modern standards.

In policy terms, the site is located within the countryside as well as within the setting of the Grade II Listed Lodge Farmhouse to the north west. The site is also within an Archaeological Notification Area and designated as a Great Crested Newt Impact Risk Zone (Green).

APPLICATION DETAILS

Planning permission is sought for the proposed detached double garage/workshop/garden store to the rear of Willow Barn. It is identical to planning permission DM/21/0127, which lapsed on 2nd March.

The proposal would measure some 10.7 metres in length, 5.6 metres in width, with an eaves height of 2.5 metres and a overall height of 4.5 metres on the barn (south east) facing side and due to a change in levels would have a maximum eaves height of 3.1 metres and a maximum height of 4.9 metres to the north western side.

Plans show that the proposal would form a double garage and a workshop/garden store with the building being constructed of a mixture of facing brickwork and timber clad walls to match the barn, clay roof tiles to match the barn and timber windows to match the barn.

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 Mid Sussex District Plan, Site Allocations Development Plan Document (DPD) and the Ansty, Staplefield and Brook Street Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Practice Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP12: Protection and Enhancement of Countryside
Policy DP26: Character and Design
Policy DP34: Listed Buildings and Other Heritage Assets
Policy DP38: Biodiversity

Site Allocations DPD

The SADPD was adopted on 29 June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Ansty, Staplefield and Brook Street Neighbourhood Plan (Feb 2017)

Mid Sussex District Council formally 'made' the Ansty, Staplefield and Brook Street Neighbourhood Plan part of the Local Development Plan for the majority of the Parish of Ansty and Staplefield as of 2 February 2017. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the relevant parts of Ansty, Staplefield and Brook Street.

No policies are relevant to this proposal.

Other Legislation

Countryside and Rights of Way (CROW) Act 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

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 31 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:

DPN1: Biodiversity, Geodiversity and Nature Recovery

DPN2: Biodiversity Net Gain

DPC1: Protection and Enhancement of the Countryside

DPB1: Character and Design

DPB2: Listed Buildings and Other Heritage Assets

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG11: Respond to the existing townscape, heritage assets and historic landscape

Principle DG39: Deliver appropriately scaled buildings

Principle DG49: General principles for extensions

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 131 and 135 (design), 187 (conserving and enhancing the natural environment), 193 (biodiversity and ancient woodland) and 202-221 (heritage assets) are considered to be relevant to this application.

ASSESSMENT

Design and visual impact on the character and appearance of the area

Policy DP12 of the Mid Sussex District Plan states (in part):

'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 application is not necessary for the purposes of agriculture but is supported by Policy DP26 of the Mid Sussex District Plan, which states (in part):

'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;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *positively addresses sustainability considerations in the layout and the building design;'*

A similar ethos is found in the Mid Sussex Design Guide SPD.

The application site is located within a semi-rural location, with sporadic development along Copyhold Lane and open countryside to the rear of the site. The proposed garage is of a traditional design and materials to match that of the converted barn which is considered appropriate to its rural setting. The site is also set back and partially screened from Copyhold Lane by the converted barn which it will be viewed in context with. The height matches that of the existing lower level of the barn and is therefore subservient to the main converted barn building. Therefore, the proposal is considered to be of an appropriate, design size and scale that is both in keeping with the existing dwellinghouse and the character of the wider locality and so would comply with the above mentioned policies.

Impact on the setting of the Listed Building

The site is located within the setting of Lodge Farmhouse, a Grade II listed building.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Policy DP26 of the Mid Sussex District Plan states (in part):

'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;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *positively addresses sustainability considerations in the layout and the building design;'*

Policy DP34 of the Mid Sussex District Plan states (in part):

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*

- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

Design Principle 11 of the Mid Sussex Design Guide SPD seeks to ensure that heritage assets are enhanced and preserved where appropriate.

Paragraphs 207, 208, 210, 212 and 215 of the NPPF are relevant, as follows:

207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

210. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

The scheme is identical to a very recently lapsed permission. In that application, the Council's Conservation Officer made the following comments:

'Revised plans have been received showing a change to the ridge height and roof form of the proposed new garage which address concerns previously raised regarding the height of the building relative to the existing barn and its rear range. Although we do not have further clear information regarding the retention of/works to the hedgerow to the western boundary of the site, on balance I consider that the revised garage building will preserve the setting of the adjacent heritage assets subject to detail which can be reserved by condition.

This will meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

I would suggest the following conditions:

- *Details of roofing and facing materials*
- *Windows to be timber framed windows to match the existing windows to the adjacent barn in form, profile and detailed design.*
- *External doors to be of timber.*
- *Garage doors to be side hung timber doors.*
- *Detailed hard and soft landscaping plan to include details of materials and of any alterations to the boundary treatment.'*

These views are still supported and in accordance with these comments and subject to the recommended conditions, the proposal is deemed to preserve the special interest of the Listed Building and comply with the above mentioned policies. It is noted that the details of the facing and roofing materials is not considered necessary as they have been shown to match the existing converted barn building and can be conditioned as such.

Archaeology

Policy DP34 of the Mid Sussex District Plan states (in part):

'Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

Paragraph 207 of the NPPF states:

'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

The Glossary to the National Planning Policy Framework defines Archaeological interest as follows:

'There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.'

The council's Archaeological consultant previously assessed the proposal and raised no concerns and did not consider any conditions were necessary. Accordingly, these views are still supported and it is considered that the proposal would comply with the above policy and guidance.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate 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)'*

Owing to the rural character of the application site, the lack of any opening to the south western (rear) of the building combined with the existing screening and distance from the neighbouring dwellings, it is considered that the proposal would not result in significant harm to neighbouring amenities in terms of overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook. Therefore, the proposal is deemed to comply with the above mentioned policy.

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.

Other matters

The site is located within a designated Great Crested Newt - Impact Risk Zone (Green). Having regard to the nature of the application, it is unlikely to have an impact on newts and accordingly there would be no conflict with biodiversity legislation, policy and guidance.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposal would be of an appropriate scale and design in relation to the existing site and street scene and would not be harmful to the setting of the listed building (which would be preserved), or to archaeological remains. It would not cause significant detriment to surrounding residents. There would be no harm to biodiversity. Accordingly it is considered that the proposed development would comply with Policies DP12, DP26, DP34 and DP38 of the Mid Sussex District Plan, the Mid Sussex Design Guide SPD and the NPPF, therefore is considered acceptable.

Decision: Permission

Case Officer: Andrew Watt