

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2900	Case Officer:	Rachel Richardson
Application Type:	Full Application		
Proposal:	The continued siting and use of a temporary classroom unit		
Site:	Blackthorns County Primary School, 3 Blackthorns Close, Lindfield, Haywards Heath, West Sussex, RH16 2UA, ,		
Validation Date	11 Nov 2025	Overall Expiry Date:	9 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	5 Jan 2026
Target Date:	6 Jan 2026	Recommending Officer Signature:	<i>Rachel Richardson</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	5 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2900

**Blackthorns County Primary School, 3 Blackthorns Close, Lindfield, Haywards Heath, West Sussex, RH16 2UA,
The continued siting and use of a temporary classroom unit
Mr Bob Russell**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

None.

TOWN/PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council has no objection.

INTRODUCTION

Permission is sought for the continued siting and use of a temporary classroom unit.

RELEVANT PLANNING HISTORY

DM/19/4912 - Continued siting and use of a temporary classroom unit. Permission 20.01.2020

The temporary classroom was granted planning permission on 22nd April 2015 and was extended by virtue of a Planning Application dated 20th January 2020 ref: WSCC/075/19 which subsequently expired 20th January 2025. Given that the school is now an academy, it is for the District Council to determine it.

SITE AND SURROUNDINGS

Blackthorns Community Primary Academy is located in a built-up residential area. The School building is set back in the school grounds and in an elevated position from the highway.

The site is well screened with mature vegetation (conifer trees) around its perimeter.

The temporary classroom is a pre fabricated building which is situated to the western side of the main school building adjacent to the parking area, and point of access to the north.

APPLICATION DETAILS

Planning permission is sought to renew the temporary permission for the continued siting and use of a temporary classroom unit, for another 5 years.

The application building is one of two modular temporary classrooms currently accommodating classrooms, which is used throughout the day by pupils. It is also used to house the academy's breakfast and after school wrap-around care.

It is a modular temporary building with a felt roof, stenni cladding facing walls, grey roof, aluminium windows and painted softwood doors.

The application building is adjacent to the playground and directly west of the main school building. It measures approximately 9m by 8m and has a lean to glazed structure projecting some 3m from its western side.

The Design and Access Statement confirms that there is no particular expected growth or shrink in terms of pupil numbers at the academy. The Local Authority admissions department implies that the Academy will continue to be full with waiting lists in many year groups.

The application is for renewal only and there is no associated works.

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,*
- 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 Allocations Development Plan Document (DPD) and Lindfield and Lindfield Rural 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:

- DP21: Transport
- DP25: Community Facilities and Local Services
- DP26: Character and Design
- DP29: Noise, Air and Light Pollution

Site Allocations DPD

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

Relevant policies.

None.

Neighbourhood Plan

Lindfield & Lindfield Rural 2014 -2031 was made on 23 March 2016.

Relevant policies:

None.

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:

DPI6: Community and Cultural Facilities and Local Services
DPT3: Active and Sustainable Travel
DPB1: Character and Design
DPN7: Noise Impacts

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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

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

Principle

DP25 states in part that:

'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.'

The issues previously considered, in granting consent, were whether the proposed building will cause significant harm to the visual amenities of the locality and whether its size, design or location would cause any significant harm to the amenities of the surrounding residents. Permission was previously granted by WSCC and it was considered that this building would not cause any material harm to the amenities of the surrounding locality. There has been no change in planning circumstances.

The design and access statement identifies that this temporary structure is both economical and also can address the short term 'bulge' in pupil numbers and the pressure for the academy to provide additional places in the short term to enable the academy to fulfil obligations.

Capital funding being currently unavailable, the continued use of the temporary provision is unfortunately the only current mechanism by which the Academy can continue with the facilities currently offered and meet its obligations.

This building is providing a community facility which positively contributes to creating a sustainable community and as such meets the criteria of policy DP25.

Design and Impact on character of the area

This is a pre fabricated single storey building which has been in situ for around 10 years. This application seeks permission for its continued use and there will be no change to its external appearance. The application form indicates that the materials will remain as existing.

It is considered that the retention of the existing building will not have a detrimental impact on the character and appearance of the area and as such the proposal is compliant with policy DP26 of the District Plan.

Residential Amenity

DP26 requires in part 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)'

As said above this temporary classroom has been in situ for around 10 years and is part of the existing school use and facility. The number of children that can use it at any one time is restricted by its floor area. It is a well used facility on an existing site. No objections have been received from local residents

to this application. It is considered that the renewal of this temporary classroom would not result in significant harm to nearby households.

In terms of residential amenity, the proposed use is therefore compliant with DP26 and DP29.

Transport

DP21 requires, inter alia, development proposals to be sustainably located, provide adequate car parking and be accessible.

This is an existing school with adequate parking and access in a sustainable location. As such there are no grounds to resist this proposal in highway terms. The proposal is compliant with Policy DP21.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

An overall Habitats Regulations Assessment has been undertaken for the planning application which includes the type of development proposed.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. There is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

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 planning permission is being granted on an application made under Section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out). This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Lindfield and Lindfield Rural Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

Given the above the above assessment, the renewal of the temporary classroom building is considered to be acceptable and is compliant with relevant development plan policies. It is therefore recommended that permission be granted.

Decision: Permission

Case Officer: Rachel Richardson