

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2149	Case Officer:	Caroline Grist
Application Type:	Full Application		
Proposal:	Construction of 1 no. house with attached garage and retrospective permission for the creation of a new access from Valebridge Road.		
Site:	Land To R/O Keepers, Valebridge Road, Burgess Hill, West Sussex, RH15 0RT, , ,		
Validation Date	22 Apr 2026	Overall Expiry Date:	10 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	1 Sep 2026
Target Date:	17 Jun 2026	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	2 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2149

**Land To R/O Keepers, Valebridge Road, Burgess Hill, West Sussex, RH15 0RT, ,
Construction of 1 no. house with attached garage and retrospective permission for the creation
of a new access from Valebridge Road.
Ms Alea Holland**

SUMMARY OF REPRESENTATIONS

One representation has been received in response to this application. The following objections are raised:

- o This proposal is out of character with the immediate vicinity, and
- o The proposal represents overdevelopment of the land to the rear of Keepers.

SUMMARY OF CONSULTEES

Lewes District Council

Overall, the benefits of delivering a well-designed, sustainable dwelling in the context of a housing shortfall are considered to outweigh the limited conflict with countryside policies.

Flood Risk and Drainage Team

No objection, subject to condition.

Highways Authority

No objections. Conditions recommended.

Tree Officer

No objection, subject to condition.

Street Naming and Numbering Officer

Informative recommended.

Burgess Hill Town Council

The committee noted that the land has been proposed for development and they were in support of the sustainable features such as the heat pumps, cycle store and water butts. However, they were concerned about the siting of the heat pumps (this was unclear) and whether this would result in noise disturbance. Committee also wished to highlight that (these homes being outside of West Sussex and Mid Sussex) this development continues to grow the built-up area of Burgess Hill, yet the residents will not be entitled to access the same level of local amenities as the residents within the West Sussex boundary.

Ansty and Staplefield Parish Council

Council object to this application. They do not support retrospective applications, it is not in the neighbourhood plan, it is considered an area of countryside development constraint and there are issues with highways.

INTRODUCTION

The application seeks full planning permission for the construction of 1 no house, with attached garage, and retrospective permission for the creation of a new access from Valebridge Road.

The vast majority of the application site falls outside the district and within the administrative boundaries of Lewes District Council, who have the same application to determine.

RELEVANT PLANNING HISTORY

There are no relevant planning applications on Mid Sussex land for this site.

Lewes District Council

LW/25/0178 - Construction of 1no. dwelling with attached garage. Awaiting decision

Land to the rear of Chideok

DM/20/2572 - Outline application for erection of two new detached dwellings with all matters reserved apart from access. Refused.

DM/25/2071 - Construction of 2 no houses with detached garages and retrospective permission for the creation of a new access from Valebridge Road. Permission.

SITE AND SURROUNDINGS

Keepers is a detached chalet bungalow that is set back from the site frontage. It has been previously granted permission for extensions to enlarge the building and gain first floor accommodation. The majority site currently forms what was part of the rear garden, however the access is to be sited on land to the south that formed part of neighbouring Chideok.

Neighbouring dwellings along Valebridge Road are located to the north and south of the application site, whilst the residential development off Mill Rose Way is to the east and the highway is to the west.

The site is located to the north of Burgess Hill and is outside of the defined built up area of the town.

The large majority of the application site falls within Lewes District, with only the front section of the site, containing part of the access, falling within Mid Sussex District.

APPLICATION DETAILS

The element of application within Mid Sussex District Council's administrative area comprises the access from Valebridge Road to the site and its continuation along part of the northern boundary. It was noted during the Case Officer's site visit that access had been created but had not been formally surfaced.

Planning permission has been recently granted for two dwellings to the rear of Chideok, the neighbour to the south, and would use the same access as that proposed under this application.

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 and Site Allocations Development Plan Document (DPD).

National policy (which is contained in the National Planning Policy Framework (NPPF) 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
DP21 - Transport
DP26 - Character and Design
DP37 - Trees, Woodland and Hedgerows
DP41 - Flood Risk and Drainage

Site Allocations DPD

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

No relevant policies.

Neighbourhood Plan

The site is not within a Neighbourhood Plan area.

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 is currently at Examination with initial hearings held in

February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. The District Plan remains at Examination until the Inspector has published his report, until that time 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:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPS4 - Flood Risk and Sustainable Drainage
DPC1 - Protection and Enhancement of Countryside
DPN4 - Trees, Woodland and Hedgerows
DPB1 - Character and Design
DPT3 - Active and Sustainable Travel

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) (August 2026)

The National Planning Policy Framework (NPPF) sets out the government's policies for plan-making and for making decisions on development proposals in England. Paragraph 15 states that the purpose of the planning system is to contribute to the achievement of sustainable development by managing the use and development of land in the long-term public interest. Paragraph 17 identifies the three overarching objectives of sustainable development, which are interdependent and should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across all three objectives. These are the economic, social and environmental objectives.

Paragraph 18 of the NPPF states:

'These objectives should be delivered through the preparation and implementation of development plans and the application of the policies in this Framework; they are not criteria against which every development proposal can or should be judged. Development plans 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.'

Policy S3 of the NPPF relates to the presumption in favour of sustainable development and states:

'1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

- a. Policy S4 in this Framework should be applied when considering development proposals within settlements;*
- b. Outside settlements, policy S5 should be applied; and*
- c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay'.*

With specific reference to decision-taking, paragraph 3 confirms that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise, with the national decision-making policies of the Framework being an important material consideration in that process.

National Planning Practice Guidance

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

ASSESSMENT

Given that the majority of the site falls within Lewes District Council administrative boundaries, consideration by Mid Sussex District Council is limited to the matters that fall within its administrative area, which in this case expressly relate to the access onto Valebridge Road which would serve the proposed dwellings.

Design and impact to trees

As the site falls outside of the built-up area (within the countryside) it is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area. Policy DP12 of the District Plan relates to the protection of the countryside, however it is materially inconsistent with national decision-making policies and should be given very limited weight. Greater weight should therefore be given to policies within the NPPF.

Policy N2 of the NPPF relates to improving the natural environment. Part 1a requires proposals to contribute positively to the natural environment and to *'Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced'*.

Policy S5 of the NPPF sets out the forms of development that should be approved outside of settlements. This includes new housing in certain circumstances including the redevelopment of previously developed land and where there is limited infilling within groups of houses.

Policy DP26 of the District Plan relates to character and design. However, this policy is considered to be materially inconsistent with the NPPF and as such should be given very limited weight, and greater weight should be given to policy DP3 of the NPPF.

Policy DP3 of the NPPF sets out the key principles for well-designed places. This sets out in part that proposals should respond to their context, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

Policy DP37 of the District Plan relates to trees, woodland and hedgerows. This policy is considered to be materially inconsistent with the NPPF and as such this policy has very limited weight, and greater weight should be given to Policy N6 of the NPPF.

Policy N6 of the NPPF relates to areas of particular importance for biodiversity and geodiversity. Within this there is a requirement that proposals which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

The proposed access is to be sited on Valebridge Road, where houses are situated along the eastern side of the highway. Houses are set back from the road and are situated on comfortable plots. Trees, hedging and planting are present along both sides of Valebridge Road. Overall there is a verdant and more spacious character to this area, consistent with its countryside designation.

Due to the presence of housing, there are a number of accesses present and the proposal would be consistent with this. A condition can be included to ensure that the hard surfacing would be in keeping with the character of the area. Furthermore it is considered that there would be sufficient space for a landscaped buffer to be included as part of the access road, which would assist in softening the access and integrating it into the countryside character of the area.

It was noted that there are a number of trees around the access and further information was sought during the course of the application on this matter. This has been reviewed by the Tree Officer. Whilst the retrospective nature of the access, given its proximity to trees, and loss of trees were advised as regrettable, which is agreed with, overall no objection has been raised to the proposal. A condition has been recommended to ensure that the development is carried out in accordance with the submitted document, which is considered to be reasonable and necessary given the proximity to highly visible trees.

It is therefore concluded that, with the aforementioned conditions, the proposal would not result in a harmful impact on the character of the area or trees and would therefore accord with the requirements of policies DP12, DP26 and DP37 of the Mid Sussex District Plan and the relevant policies within the NPPF.

Impact on neighbouring residential amenity

Policy DP26 in part seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. It is considered that this policy has very limited weight due to it being materially inconsistent with the NPPF and greater weight should be given to policies L2 and P3 of the NPPF.

Policy L2 of the NPPF relates to making effective use of land. Part L2(1dii) requires proposals to have *'acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space'*.

Policy P3 of the NPPF relates to living conditions and pollution. Part 2(b) of this policy requires proposals *'Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site'*.

A previous application for two houses to the rear of Chideok was refused due to the impact that would occur to this neighbour's amenity (DM/20/2572). This application sought to position the access to the south of the site and it was concluded that that the proposal would have an unneighbourly impact on residents of Chideok, causing significant harm to their outlook and increasing noise pollution.

Under the current application the access to be sited to the north of Chideok. The current bungalow only has openings on the northern elevation in relation to a kitchen. Whilst there is a bedroom, on this side of the house, the only window is situated on the western elevation. Planning permission has also been granted for extensions and alterations to this dwelling. This would result in a shower/w.c., hall, utility room/larder and kitchen along the northern side of the house on the ground floor. On the first the bathroom and landing would be closest to the access. As such, no habitable rooms would be positioned in close proximity to the proposed access and the house is to be set away from the shared boundary, where a close boarded fence is present. It is therefore considered that, whilst there may be some impact to this neighbour as a result of the proposal, the harm would no longer be significant enough to warrant the refusal of this application.

With regards to the impact to Keepers, whilst there are two windows within the side elevation facing the access, they are small and understood to relate to non-habitable rooms. Again this neighbour is set away from the proposed access and a close boarded fence is situated along the shared boundary. It is therefore considered that the proposed development would not have an unacceptable impact on the amenity of this neighbour.

It is therefore concluded that, due to the arrangement of habitable rooms, set back and boundary treatments, whilst there could be some impact to neighbours the harm would not be considered unacceptable. Furthermore the access is only to serve two dwellings and the soft landscaping referred to above would further reduce the impact to these neighbours' amenity. As such it is considered that the development would be in accordance with the amenity requirements of policy DP26 of the Mid Sussex District Plan and the policy requirements of the NPPF.

Highway safety, access and parking

Policy DP21 of the District Plan relates to transport. It is considered that these policies have very limited weight due to it being consistent with the NPPF. Given the extent of the development on Mid Sussex land, greater weight should be given to policy TR6 of the NPPF instead.

Policy TR6 of the NPPF relates to assessing transport impacts and part 4 of this policy states that *'Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion'*.

The proposal intends to use a new access for vehicles to reach the new houses, which has been constructed but not surfaced. The Highways Authority have reviewed the application and advised that the suitable visibility splays appear to be achievable, in both directions, from the new access. With regards to exiting the site, it is noted that on-site turning appears to be achievable, which would allow cars to leave the site in a forward gear. The Highways Authority have also advised that the site would be considered sustainably located, within a walking and cycling distance from Burgess Hill. Bus stops are also located nearby on Valebridge Road, which provide regular services, and cycling would be a viable option.

Whilst outside of the district boundary, the Highways Authority have also noted that the proposed level of parking would be in accordance with the West Sussex County Council Parking Standards.

An informative has been recommended to ensure that the applicant is aware that a vehicle crossover licence will also be required. Conditions have also been recommended to secure car parking and cycling spaces however, as these aspects of the development would not be on land within Mid Sussex, they cannot be imposed.

The Highways Authority have therefore concluded that this proposal would not have an unacceptable impact on highway safety or result in a severe impact on the operation of the highway network. It is therefore considered that the proposal would accord with the requirements of Policy DP21 of the Mid Sussex District Plan and the policy requirements of the NPPF.

Flood Risk and Drainage

Policy DP41 relates to flood risk and drainage. This policy has very limited weight due to it being materially inconsistent with the NPPF and greater weight should be given to policies CC3 and F7 of the NPPF.

Policy CC3 of the NPPF relates to the adaptation to climate change and requires proposals to take into account the current and potential impacts of climate change over the lifetime of the scheme. In part this requires proposals to be located where the risk of flooding is minimised and incorporate sustainable drainage systems to manage surface water flow rates and reduce volume of runoff.

Policy F7 of the NPPF seeks to ensure that development is safe from flooding. It sets out that development should not present a risk from flooding to potential occupiers, users or visitors and should not increase flood risk elsewhere. It goes on to set out that where development is to be sited in a location to be known at risk of any form of flooding, now or in the future, it should be refused unless certain matters apply including where development can be made safe throughout its lifetime.

The Risk of Flooding from Surface Water mapping suggests the site is shown to be at "Very Low" to "High" surface water flood risk (comparable to flood zones 1 and 3b) for the present day (2025) and to be at "Very Low" to "High" surface water flood risk (comparable to flood zones 1 and 3b) within the climate change range of 2040 - 2060. The area of "High" surface water is associated with a flow path which crosses the site from south to north and encroaches onto the driveway. The driveway is to provide the primary and only access and egress route serving residential properties, which are classified as 'more vulnerable' development. Concerns were therefore raised by the Drainage Engineer, due to the lack of information relating to this and in terms of surface water drainage.

Further information has been received, during the course of the application, that has sought to address these concerns. The Drainage Engineer has confirmed that the latest information provided, in the submitted Flood Risk Assessment, is such that no objection would now be raised, subject to a condition to secure the final details of the surface water drainage and means of disposal.

It is therefore considered that the proposal would not have a harmful impact with regards to flood risk and drainage and would now accord with the requirements of policy DP41 of the Mid Sussex District Plan and the relevant policies of the NPPF.

Ashdown Forest

Given that the residential development element of the application sits solely within the administrative area of Lewes District Council, it is the responsibility of this neighbouring authority and not Mid Sussex District Council to satisfy itself in relation to the Conservation of Habitats and Species Regulations 2017, and specifically the issue of atmospheric pollution on the Ashdown Forest Special Area of Conservation in relation to traffic emissions.

All the other issues raised during the consultation period have been taken into account and these other issues are either considered not to warrant a refusal of permission in relation to the matters under assessment for this authority, are items that could be dealt with effectively by planning conditions or other legislation or are not material planning considerations.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development that is exempt from providing biodiversity net gain. This is because the development consists of no more than nine dwellings, has a site area no larger than 0.5 hectares and consists exclusively of a custom build house.

PLANNING BALANCE AND CONCLUSION

This application seeks planning permission for one new dwelling and associated access on land east of Valebridge Road.

The application site is located within the administrative areas of both Lewes District Council (within East Sussex) and Mid Sussex District Council (within West Sussex). The new dwellings are to be located within the administrative area of Lewes District Council and a duplicate planning application has been submitted to the Lewes District Council and remains pending consideration. It is for Lewes District Council only to consider the principle of development, together with all other planning issues except for the suitability of the access. It is only the access into the site that is within the administrative area of Mid Sussex District Council and accordingly this is the only aspect of the proposal that requires planning permission from Mid Sussex District Council.

It is considered that the proposed access, would be acceptable with regards to design, impact on neighbouring amenity, trees, highways safety and in drainage terms. The development would therefore accord with the requirements of policies DP12, DP21, DP26, DP36 and DP41 of the Mid Sussex District Plan as well as the requirements of the National Planning Policy Framework. The development is therefore considered to be acceptable.

Decision: Permission

Case Officer: Caroline Grist