

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0335	Case Officer:	Peter Davies
Application Type:	Full Application		
Proposal:	Proposed new entrance door to the pharmacy.		
Site:	Judges Close Pharmacy, Judges Close, High Street, East Grinstead, West Sussex, RH19 3AA, ,		
Validation Date	27 Feb 2025	Overall Expiry Date:	4 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Apr 2025
Target Date:	24 Apr 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	24 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0335

**Judges Close Pharmacy, Judges Close, High Street, East Grinstead, West Sussex, RH19 3AA,
Proposed new entrance door to the pharmacy.**

Jawad Mehroof

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

The application site forms part of an unlisted building located in a backland position to the south of Judge's Terrace and the High Street in East Grinstead. It is not within the Conservation Area, but is within its immediate setting. It is also within the setting of several listed buildings located just to the north, including Hampton House (Grade II listed), and the various buildings making up Judge's Terrace, which include II* listed Old Stone House and Clarendon House. The existing building appears to date from the second half of the 20th century, and has been altered and extended in several phases. It is not of any particular architectural quality and makes at best a neutral contribution to the setting of the adjacent heritage assets.

The current proposal relates to the existing use of the building as a pharmacy and is for a new entrance and internal reconfiguration intended to enhance the accessibility and efficiency of the service. The proposed external alterations comprise alteration of an existing window opening to the northern elevation of the building to create double entrance doors. The doors are shown as glazed with white aluminium frames.

The proposed works are relatively minor and will not have a significant impact on the appearance of the building. The proposal will not materially affect the contribution the site makes to the setting of the adjacent Conservation Area and listed buildings. This meets the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF.

TOWN/PARISH COUNCIL OBSERVATIONS

17/03/2025 - no comment

INTRODUCTION

The application seeks planning permission for a proposed new entrance door to the pharmacy.

RELEVANT PLANNING HISTORY

GR/277/78 - Single storey extension comprising 2 relocated Surgeries and 1 new Surgery and Common Room, Health Visitors Room, improvements to facilities. Refused.

GR/008/79 - Single storey extension comprising 2 relocated surgeries and 1 new surgery, common room, health visitors room, treatment room, enlarged reception and records storage, enlarged w.c. accommodation. Permission.

GR/031/80 - Extension of surgery. Permission.

GR/205/84 - First floor extension comprising additional surgery/treatment facilities. minor alterations to ground floor. Permission.

GR/183/92 - First floor extension to existing surgery to provide additional office accommodation and health care facilities. Permission.

GR/004/94 - Change of use of one room from general office to pharmacy. Permission.

GR/003/98 - New glazed structure between existing doctors surgery and b1 industrial unit. change of use of ground floor of b1 industrial unit to doctors surgery. Permission.

GR/210/98 - Change of use of first floor of cornmill from B1 to a doctors' surgery. Permission.

SITE AND SURROUNDINGS

Judges Close Pharmacy is located within the two-storey semi-detached Judge's Close Surgery building. The building is constructed from a mixture of brick, hanging tile and white render. The property is located in a back land position to the south of Judge's Terrace. The site is not within the Conservation Area, however is within the immediate setting. It is within the setting of several listed buildings located to the north including Grade II listed Hampton House as well as various other buildings along Judges Terrace. A car park wraps around to the west side of the building.

The surrounding area has a mixture of commercial and residential uses. In terms of planning policy, the site lies within the built-up area boundary of East Grinstead. The site is located within a red Archaeological Notification Area of the Medieval core of East Grinstead.

APPLICATION DETAILS

The application seeks planning permission for proposed new double doors to the north elevation to replace existing windows. The doors will be clear glazed with white aluminium frame. An associated application for planning permission for new signage is also being considered under reference DM/25/0349.

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 East Grinstead 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:

DP26 - Character and Design
DP34 - Listed Buildings and Other Heritage Assets
DP35 - Conservation Areas

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.

East Grinstead Neighbourhood Plan (made November 2016)

Relevant policies:

EG3 - Promoting Good Design
EG4 - Designated and Non Designated Heritage Assets

Other Legislation

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 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:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPB1 - Character and Design
DPB2 - Listed Buildings and Other Heritage Assets
DPB3 - Conservation Areas

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.

National Planning Policy Guidance

National Design Guide/Code

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.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

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

- Design and Character
- Designated Heritage Assets
- Impact on neighbouring properties
- Biodiversity Net Gain

Design and Character

Policy DP26 of the Mid Sussex District Plan 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.'*

Also relevant in the determination of the application is Policy EG3 of the East Grinstead Neighbourhood Plan, which states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
 - b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
 - c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
 - d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
 - e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
 - f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
 - g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
 - h) Proposals make provision for green infrastructure and biodiversity enhancement.*
- Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'*

The proposed alteration change of the existing window to double doors will only be visible once off the highway and entering into the back land development. The doors will be similar in appearance to the existing fenestration of the building and will therefore not have a harmful impact on the character of the area. The proposal is considered to comply with policy DP26 of the District Plan and policy EG3 of the East Grinstead Neighbourhood Plan.

Designated Heritage Assets

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 'In considering whether to grant planning permission (or permission in principle) 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.'

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area.'

Policy DP34 of the Mid Sussex District Plan relates to listed buildings and states:

'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.'*

Policy DP35 of the Mid Sussex District Plan relates to Conservation Areas and states:

'Strategic Objectives: 2) To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence; 4) To protect valued characteristics of the built environment for their historical and visual qualities; and 11) To support and enhance the attractiveness of Mid Sussex as a visitor destination.

Evidence Base: Mid Sussex Conservation Area Appraisals; Sussex Extensive Urban Surveys; West Sussex Historic Environment Record.

Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

Also relevant in the determination of the application is Policy EG4 of the East Grinstead Neighbourhood Plan, which states:

'Applications affecting designated and non-designated heritage assets must be supported by an appropriately detailed assessment of their heritage significance and the impact of the proposals on that significance.'

The NPPF states that 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.

Paras 210, 212-215 of the NPPF state:

'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

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

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 application site lies within an Archaeological Notification Area as it is the Medieval core of East Grinstead. The Council, as the Local Planning Authority, has a statutory duty to have special regard to the desirability of preserving heritage assets. As the proposal is to replace an existing window with glazed double doors of an existing building it is unlikely to have an adverse impact on the heritage asset. Due to the small nature of the development, it is deemed that no condition is required.

Comments have been received from the MSDC Conservation Officer who raises no objection due to the works being relatively minor and will not have a significant impact on the appearance of the building. The proposal will not affect the contribution the site makes to the setting of the adjacent Conservation Area and listed buildings.

The proposal is therefore considered to comply with policies DP34 and DP35 of the District Plan, policy EG4 of the East Grinstead Neighbourhood Plan and the relevant paragraphs of the NPPF.

Impact on neighbouring properties

Policy DP26 of the Mid Sussex District Plan 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);*'

Due to the nature of the works of changing ground floor windows to double doors on the front elevation, there will be no additional overlooking into neighbour amenity spaces. The proposal is therefore, considered to comply with the above-mentioned part 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. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the proposal is considered to be acceptable in terms of design, and form to the building and locality, would preserve the special interest of the listed buildings, preserve the character and appearance of the East Grinstead Conservation Area. It would also not cause significant harm the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policies DP26, DP34 and DP35, policies EG3 and EG4 of the East Grinstead Neighbourhood Plan, and with the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Peter Davies