

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2865	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Proposed alterations to rear extension of the Friary previously abutting former Dumbrells. Proposed incorporation of remaining former Dumbrells into Somners with new internal doorways for access. Proposed replacement single storey dwelling (Dumbrells) and associated landscape works		
Site:	Dumbrells, Church Platt, Somners And The Friary, South Street, Cuckfield, Haywards Heath, West Sussex, , ,		
Validation Date	17 Dec 2024	Overall Expiry Date:	17 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Apr 2025
Target Date:	11 Feb 2025	Recommending Officer Signature:	Katherine Williams

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/24/2865

Dumbrells, Church Platt, Somners And The Friary, South Street, Cuckfield, Haywards Heath, West Sussex, ,

Proposed alterations to rear extension of the Friary previously abutting former Dumbrells. Proposed incorporation of remaining former Dumbrells into Somners with new internal doorways for access. Proposed replacement single storey dwelling (Dumbrells) and associated landscape works

Mr David Thackeray

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

Conservation Officer - No objection following amendments, recommend conditions

WSCC Highways Authority - No objection, recommend conditions

MSDC Flood Risk and Drainage Team - no objection, recommend condition

MSDC Tree Officer - no objection, recommend condition

Historic England - No comment

Street Naming and Numbering - request informative

Historic Environment Consultant - no objection recommend condition

PARISH COUNCIL OBSERVATIONS

No comment - Committee resolved to defer back to the knowledge and expertise of the heritage officer.

INTRODUCTION

The application seeks planning permission for alterations to the rear extension of the Friary previously abutting former Dumbrells. Proposed incorporation of remaining former Dumbrells into Somners with new internal doorways for access. Proposed replacement single storey dwelling (Dumbrells) and associated landscape works.

RELEVANT PLANNING HISTORY

CU/223/81 - Erect detached garage and access onto Church Platt. Granted

CU/15/88 - Garage. Granted

CU/017/92 - Garden building to be used as a study. Granted

14/02192/FUL - Replace existing corrugated iron exterior and enhance insulation. The roof to be replaced with decra style roofing tiles. The first floor facade of corrugated iron to be replaced by insulated render boards. Installation of enhanced insulation within the timber frame. Granted

DM/15/0160 - Replace corrugated iron roof with Decra tiling. Replace corrugated iron first floor facade with wooden weatherboards enhancing insulation in the timber frame. This is an amendment to planning permission 14/02192/FUL. Granted

DM/18/3863 - Proposed modification and extension of existing dwelling to include removal of two outbuilding and an existing garage (in part) to form modified existing vehicle access and detached garage building and workshop building. (Amended plans and description 10/12/2018). Granted

DM/21/3938 - Variation of condition no 2 relating to planning application DM/18/3863 - to allow for revised plans to amend the design of the extensions and modifications to the dwelling. (Amended plans received 17.06.2022). Granted

DM/21/3940 - Demolition of existing dwelling and various out buildings/existing garage and provision of new replacement 3no bedroom dwelling and detached double garage and shed. Additional plans and reports received 29/11/2021 and 6/12/2021. Withdrawn

DM/24/2866 - Proposed alterations to rear extension of the Friary previously abutting former Dumbrells. Proposed incorporation of remaining former Dumbrells into Somners with new internal doorways for access. Proposed replacement single storey dwelling (Dumbrells) and associated landscape works. Under Consideration

SITE AND SURROUNDINGS

The application site consists of three connected residential properties within the built up area and Conservation Area of Cuckfield. The properties are also within an Archaeological Notification Area and within the setting of a number of listed buildings, including The Old School a Grade II school building, the Grade II White Harte pub and the Grade I Holy Trinity Church.

Two of the properties within the application site, Somners and The Friary face onto the eastern side of South Street, both properties are Grade II listed and have double frontage appearance onto the highway with coloured render frontages. Somners benefits from off street parking on South Street, with The Friary benefiting from off street parking to the rear of the property off Church Platt, a cul-de-sac to the south.

The rear property, Dumbrells, is not listed, however it adjoins onto both listed buildings with its amenity space to the east. This property has previous been granted planning permission for extensions and alterations which has been commenced but not completed.

The relationship of the application properties with the surrounding buildings results in the dwellings being visible from South Street, Church Platt and from The Old School and across the church yard of Holy Trinity.

The dwellings are constructed in render, brickwork, timber framing, plain roof tiles, with white timber fenestration.

APPLICATION DETAILS

The proposal seeks to incorporate the remaining two storey portion of Dumbrells into Somners to create a living room and additional bedroom for the dwelling with new internal access and fenestration. This projection would be constructed in a brick and stonework plinth, timber cladding, plain roof tiles and timber fenestration. The proposal also includes the demolition of the existing W.C projection which formed part of Dumbrells, with alterations to the roof of the Entrance Hall of The Friary with a front pitched roof and rear flat roof.

These works would also result in enlarged rear amenity space for Somners and The Friary with a new brick wall boundary between the properties and rear boundary hedging.

Dumbrells would be replaced by a new detached single storey dwelling within the remaining garden of the property. The dwelling would consist of a 1-bed 2-person 'L' dwelling positioned along the north and west boundaries of the site with front amenity space and parking area utilising the existing access for the property. The proposed dwelling with have pitched roof forms with gable ends, this would have an overall height and eaves height of some 5 metres and 2.5 metres. The dwelling would be constructed in brickwork, plain roof tiles, aluminium fenestration and timber louvre shutters.

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) And local finance considerations, so far as material to the application, and*

c) Any other material considerations.'

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation DPD and Cuckfield 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:

- DP4 - Housing
- DP5 - Planning to Meet Future Housing Need
- DP6 - Settlement Hierarchy
- DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP21 - Transport
- DP26 - Character and Design
- DP27 - Dwelling Space Standards
- DP28 - Accessibility
- DP34 - Listed Buildings and Other Heritage Assets
- DP35 - Conservation Area
- DP37 - Trees, Woodlands and Hedgerows
- DP38 - Biodiversity
- DP39 - Sustainable Design and Construction
- 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.

Cuckfield Neighbourhood Plan (made October 2014)

Relevant policies:

- CNP1 - Design of New Development and Conservation
- CNP4 - Protect and Enhance Biodiversity
- CNP7 - Housing Development within the Built Up Area Boundary

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 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
DPS4: Flood Risk and Drainage
DPS5: Water Neutrality
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN3: Green and Blue Infrastructure
DPN4: Trees, Woodland and Hedgerows
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPB2: Listed Buildings and Other Heritage Assets
DPB3: Conservation Areas
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH1: Housing
DPH3: Sustainable Development - Inside the Built-up Area
DPH7: Housing Mix
DPH11: Dwelling Space Standards
DPH12: Accessibility

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria*

against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance (Where being referred too)

National Design Guide

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.

Technical Housing Standards

West Sussex County Council Guidance on Parking at New Developments

Cuckfield Conservation Area Appraisal

ASSESSMENT

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

- The principle of development;
- Design and Impact on the Conservation Area and Listed Buildings
- Impact on the amenities of neighbouring properties
- Impact on future occupants of the development
- Impact on parking provision
- Impact on Trees
- Ashdown Forest
- Sustainability
- Flood Risk and Drainage
- Biodiversity Net Gain

- Planning Balance and Conclusion

Principle of Development

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

In terms of policy designations, the starting point for this assessment is that the application site falls inside of the built-up area of Cuckfield as defined by the District Plan, where the principle of development is acceptable.

As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.

The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;

'For decision-taking this means;

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).

As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application. Policy CNP7 of the Cuckfield Neighbourhood Plan, has a similar ethos to these policies and therefore is also given limited weight.

Therefore the key test that must be undertaken when assessing this application is as set out within para 11(d) of the NPPF.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Assessment

Design and Impact on the Conservation Area and Listed Buildings

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

'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.'

S.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 preserving or enhancing the character or appearance of that area.'

Paras 205, 212-215 of the NPPF state:

'205. 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.'

Policy DP34 of the District Plan is relevant 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.*

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.'

Mid Sussex District Plan policy DP35 states:

'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.'

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.'*

Policies CNP7 and CNP10 of the Cuckfield Neighbourhood Plan echoes the same ethos as this policy.

Policy CNP1 of the Cuckfield Neighbourhood Plan states:

- 'New development in accordance with the Neighbourhood Plan will be permitted where it:*
- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
 - i. height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
 - b) Is sympathetic to the setting of any heritage asset and*

- c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and
- d) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and
- e) Creates safe, accessible and well-connected environments that meet the needs of users, and
- f) Will not result in unacceptable levels of light, noise, air or water pollution, and
- g) Makes best use of the site to accommodate development.'

Paragraphs 131 and 135 of the NPPF state:

'131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'

135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

Principle DG11 of the Mid Sussex Design Guide states: *'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.'*

Elsewhere new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric. There may be potential to introduce a new character / development form and massing:

- *On larger urban extensions; this will typically be within the middle of the site and associated with a new neighbourhood centre, spine road or the main open space.*
- *In town centre locations defined as coarse grain areas and nearby sites identified on the brownfield sites register.'*

Principle DG38 of the Mid Sussex Design Guide states *'Applicants should establish an architectural approach and identity in the design of building that is borne from the place. The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated. Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:*

- *The elevational treatment and overall façade design;*
- *The placement, proportions and design of windows, doors and balconies;*
- *A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- *The appropriate incorporation of dormer windows and chimneys;*
- *An appropriate palette of good quality materials that are preferably locally sourced.'*

The Historic Environment Consultant has been consulted on the application and requests a condition regarding an archaeological investigation.

The Council's Conservation Officer has been consulted on the application and has provided the following comments:

'The application site, Dumbrells, is attached to the rear of a pair of listed buildings, Somners and the Friary, which front onto South Street within the Cuckfield Conservation Area. The site is also within the setting of several other adjacent listed buildings, including Grade I listed Holy Trinity Church which is a short distance to the rear across Church Platt, The Grade II listed Old School, just to the north of the Church, and The White Harte Inn adjacent to the south on South Street, which is also Grade II listed.

The significance of the site, in respect of Dumbrells and its gardens, has been considered in the context of other proposals, and can be summarised as follows:

- *The presence within the retained north wing at Dumbrells of historic fabric which was formerly part of a rear wing to Somners which as well as being of some age and interest in its own right also contributes positively to the understanding of the sequential development of Somners and its narrative. More detail on this can be found in the Heritage Statement submitted with the current application.*
- *The positive contribution which the open and verdant gardens to Dumbrells make to the settings of Somners and the Friary, and to the character and appearance of the Cuckfield Conservation Area, including views from the east from the direction of the Old School (Grade II listed) and Holy Trinity Church (Grade I listed) and its churchyard, which also contains a number of listed lychgates and monuments.*

The site has a complex recent planning history including permission granted for alteration and extension of the existing house, with replacement of existing outbuildings with a detached garage and alterations to the access (DM/18/3863, modified by DM/21/3938), and withdrawal of an application for demolition of the existing dwelling and outbuildings and construction of a replacement detached 3 bedroom house, following adverse Officer comments including in respect of the scale and design of the detached house, and its impact on the settings of adjacent listed buildings and the Conservation Area (DM/21/3940). Pre-application advice has also been sought. Work has been commenced in respect of the approved scheme, and part of the previous building at Dumbrells has been removed, although the north wing (containing the historic timber framing) has been retained.

The current proposal is for alterations to the rear extension of the Friary previously abutting the former Dumbrells, incorporation of the remaining structure of the former Dumbrells into Somners, with new internal doorways for access, and a proposed replacement single storey dwelling within the former rear garden to Dumbrells, with associated hard and soft landscaping works, including vehicle access and parking.

The principle of development of this type was considered under a recent pre-application enquiry (DM/22/2672) and was considered acceptable, although concerns were raised at that time regarding the scale and design of the replacement dwelling within the rear garden area, which did not outweigh the heritage benefits of 'reuniting' the historic fabric isolated within the retained north wing of Dumbrells with the contiguous fabric within Somners. The current application attempts to address these concerns. To consider the key elements of the proposals in turn:

Work to Somners, The Friary, and the retained portion of Dumbrells:

A key element of the current proposal is the incorporation of the retained north wing of Dumbrells as a rear 'extension' to Somners, with the creation of new doorways at ground and first floor. This will result in the loss of some historic masonry due to the creation of the doorways. However on balance the benefits of reuniting the surviving exposed historic framing to the northern elevation of the rear wing with the

contiguous fabric within Somners, so that the entirety of the surviving framing can be appreciated within the one property, is considered to outweigh this minor harm.

Adjacent to the south elevation of the rear wing of Somners, it is proposed to remove a catslide roof above a rear extension to The Friary which has been installed above an earlier pitched and flat roof combination, exposing this earlier roof structure and also more of the original elevation of the building at first floor. This 'layering' of roof structures was observed during a previous site visit. As this removes later fabric in favour of an earlier arrangement, and also exposes more of the original elevation of the listed buildings at first floor, this aspect of the proposal is not considered contentious.

The removal of a more modern WC extension is likewise not considered contentious.

The proposed south elevation also shows a new window to the side of the rear wing to the rear of Somners. This may be acceptable subject to further information on the impact on the historic fabric of the building, both the timber frame and infill. Likewise the new rooflights proposed to either side of the retained north wing to Dumbrells may be acceptable subject to confirmation that there is no adverse impact on any historic fabric which may survive within the roof structure.

The proposal also includes alterations to the elevations of the north wing, including changes to the fenestration. These are considered generally acceptable in the context, although I have some concerns regarding the scale of the windows proposed at ground and first floor to the east elevation facing over The Platt. In my opinion, these may appear overly prominent in the context of the existing more modestly scaled fenestration to the adjacent listed buildings. I would recommend this aspect is reconsidered.

Proposed new dwelling within the rear garden:

The proposal includes a one bedroom dwelling within the rear garden which is intended as a replacement for Dumbrells. As noted above, the principle of development of this nature was considered at pre-application stage and found to be acceptable, on balance, in heritage terms given the beneficial impact of the scheme in respect of the significance of Somners. The footprint, form and design of the dwelling have been amended following negative Officer comments on the previous scheme; the revised design is considered much more sympathetic to the context, although further details will be required of some aspects including the proposed materials, which include solar PV slates to elevations facing over the Platt. We would need to be reassured that the use of these slates on more visually prominent roofslopes is appropriate. This information could be secured by condition.

Hard and soft landscaping scheme:

As noted above, a key aspect of the significance of the site at Dumbrells is the relatively open and verdant character of the rear garden. Whilst as above the built form of the proposed new dwelling is balanced to an extent by the removal of existing outbuildings and the partial demolition of Dumbrells itself, the extent of development within the rear garden remains of concern, and the extent of any associated hardsurfacing should be kept to an absolute minimum. I would recommend that this aspect of the proposal is revisited and that wherever possible hard surfacing is replaced by soft landscaping, or as a second choice, Grasscrete or similar.

On balance, therefore, the proposal is considered acceptable in principle in heritage terms. The proposed works to the retained portion of Dumbrells with Somners will be beneficial to the significance of the latter listed building. This benefit stands to be weighed against the potential harm caused by the new dwelling within the rear garden, which must also be considered in the context of the removal of part of the built form of Dumbrells and of existing outbuildings within the gardens, as well as the existing permission to extend to the rear of Dumbrells.

Revisions are however required to some aspects of the scheme, as set out above, and various details will be required by condition should permission in due course be granted.'

Following these comments amended plans were provided and the following additional comments were provided.

'Further comments on the above application following the receipt of revised plans.

- *The scale and form of the fenestration to the rear elevation of the retained portion of Dumbrells have been amended so that the windows as shown now relate better to the context. This aspect of the proposal is now not considered contentious.*
- *As far as I can see we have no further detail of the proposed rooflights to Dumbrells or their impact on the roof structure?*
- *The proposed landscaping scheme has been revised to reduce the extent of the proposed hard landscaping in favour of more soft landscaping. On balance, this aspect of the proposal is now also considered acceptable.*

Subject to the further information required relating to the rooflights, the proposal is therefore now considered to preserve the special interests of Somners and the Friary and the character and appearance of the Conservation Area, including the settings of the listed buildings to the rear. This meets the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF.

I would suggest the following conditions:

- *Details of facing and roofing materials*
- *Detailed hard and soft landscaping scheme including details of surfacing materials and of any new or altered fences, walls and gates.*
- *Details of the PV slates to the new dwelling, including manufacturer's specification and detailed sectional drawings to show the slates in context of the surrounding roofslope*
- *Detailed drawings, at an appropriate large scale, including sections and annotated to show materials and finishes, of the following:*
 - *Typical examples of windows and external doors. Your drawings should include as appropriate sectional details of reveals and of glazing bars.*
 - *Typical eaves sections*
 - *Rainwater goods to be of painted metal*
 - *Rooflights to be flush fitting, metal framed conservation style rooflights'*

Confirmation was subsequently received that the rooflights in question are already in place and are situated in the newly built roof structure of Dumbrells and are not above the rafters and within the roof structure.

The proposed incorporation of the existing form of Dumbrells into Somners, alterations to both listed buildings and enlargements of their curtilages would protect the existing appearance and special interest of the listed buildings. The proposed replacement dwelling to the rear would be single storey in form which would reduce the prominence of the dwelling from views from Church Platt and the graveyard of Holy Trinity Church. The proposed dwelling is also of a simple contemporary form and design, which would improve the immediate character and appearance of the site given the existing appearance of Dumbrells.

Due to the above, the proposal is considered to be a form of development which would conserve the Conservation Area and protect special interest of the listed buildings and the settings of other surrounding listed buildings. The proposal would therefore comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, policies CNP1, CNP7 and CNP10 of the Cuckfield Plan, the Mid Sussex Design Guide and the relevant provision of the NPPF.

Impact on the amenities of neighbouring properties

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *'...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'*.

Policy CNP10 states that proposals should "safeguard" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

To the northern side is Dundas Cottage, this neighbouring property shares a side boundary fence with Somners and Dumbrells. This neighbouring property is also located on a higher ground level than the application dwellings and would be some 8.7 metres from the proposed replacement dwelling. Although the proposal would be visible from this neighbour, it is considered that due to the existing relationship and separation distance with the proposed replacement dwelling it would not cause significant harm to its amenities.

Impact on future occupants of the development

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1st October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.

The proposal is to provide a 1 bed, two-person dwelling which from Officer calculations indicate would meet the floor space standards and therefore comply with policy DP27 of the District Plan and the National Dwelling Space Standards.

The proposal results in the enlargement of the dwellinghouse of Somners as well as the enlargement of the curtilages of Somners and The Friary, which is considered to result in an improvement to the amenities of the occupiers of the dwellings. The enlargement of the dwellinghouse of Somners would encompass the existing built form of Dumbrells and therefore not considered to cause harm to the amenities of The Friary.

Impact on parking provision

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

Paragraph 115 of the NPPF is relevant in respect of transport matters and states that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 116 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

WSCC Highways Authority has been consulted on the application and has provided the following comments:

'The site is accessed via Church Platt, a residential D class road in Cuckfield subject to 30mph speed restrictions. Church Platt is a residential cul-du-sac which serves a number of dwellings as well as parking for a nearby pub, an old school house building and a church.'

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely.

The Local Highways Authority (LHA) was previously consulted on matters at this location under planning application DM/21/3940 which sought demolition of existing dwelling and various outbuildings/existing garage and provision of new replacement 3no bedroom dwelling and detached double garage and shed. No highways safety concerns were raised to this proposal; however, the application was withdrawn by the applicant.

Access

The site benefits from an existing access point, which remains unchanged from that of a previously approved application DM/18/3863 to which the Local Highways Authority does not appear to have been consulted. The gated access appears to open externally of the site. It does appear from the submitted plans that the pedestrian gate may therefore slightly overhang onto the publicly maintained highway whilst fully open. There would be benefit to the gates opening into the site, as there would be less opportunity for conflict/ obstructions to access and would allow approaching vehicles to pull right up to the gate whilst operated and allow other highway users to continue along Church Platt. The LPA may wish to consider this matter from an amenity perspective also.

Parking

The parking area proposed is large enough to accommodate 2 parking spaces with a designated turning head. This appears to be a workable solution and sufficient to serve the likely demand. The parking area is proposed to be constructed from pea shingle and a geocell system, which should serve as to prevent overspill shingle being dragged into the publicly maintained highway.

Secure and covered cycle parking has not been shown within the associated documentation. LPA may wish to consider securing this using a suitably worded condition advised below.

Conclusion

The Local Highways Authority does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

The proposed replacement dwelling would utilise the existing access onto the highway and no changes to this have been changed. The proposal includes an extension to the driveway across the frontage of the to a four bay garage. Given the extent of the driveway and the proposed garaging the proposal is considered to meet the requirements of WSCC Parking Standards for parking provision and sufficient space to provide secure cycle parking provision.'

The application is considered to meet the requirements of policy DP21 of the Mid Sussex District Plan.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The Council's Tree Officer has been consulted on the application and raises no objection subject to a condition to comply with the submitted Arboricultural Method Statement and particularly the tree protection measures. The proposal is therefore considered to comply with policy DP37 of the Mid Sussex District Plan and is acceptable.

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.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

Paragraph 161 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 166 states:

'In determining planning applications, local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

A Sustainability Statement has been submitted with the application which states that the scheme proposes a number of energy efficiency measures to be incorporated within the development. This includes:

- compact form to minimise energy consumption, heating and cooling
- high level of airtightness
- high performance fenestration
- Heat Recovery Ventilation system
- PV panels
- Air Source Heat Pump
- Solar gains
- Low energy A rated appliances
- LED lighting
- Locality sourced materials where possible

The site is located within the built up area of Cuckfield and is in close proximity to the local services within the village as well as bus routes to Burgess Hill and Haywards Heath. The proposal also provides cycle storage for the new residential unit. It is therefore considered that the proposal complies with policy DP39 of the Mid Sussex District Plan.

Drainage

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk and at a very low surface water flood risk. The site is within an area identified as having possible surface water (pluvial) flood risk. There are not any historic records of flooding occurring on this site and in this immediate area. The Council's Drainage Engineer has been consulted on the scheme and they raise no objection to the proposal subject to the submission of a drainage plan prior to planning permission being granted and to a condition.

Overall, it is considered that the proposal would not cause an unacceptable risk to flooding. The proposal is thereby considered to comply with policy DP41 of the 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 of a self-build dwelling meaning that this development is exempt from providing 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 Ardingly Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP17, DP21, DP26, DP27, DP34, DP35, DP37, DP38, DP39 and DP41 and Neighbourhood Plan policies CNP1, CNP7, and CNP10 of the Cuckfield Neighbourhood Plan.

As a result, it is considered that the application complies with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

Paragraph 125 (applies only on brownfield in bua) states in part (at criteria c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.

The Council is currently unable to demonstrate a five year supply of deliverable housing sites and the proposal would result in a replacement dwelling. The proposal would also result in construction jobs over the life of the build. Because, however, of the small scale of the development proposed these benefits would be very limited.

The proposal would have a neutral effect in terms of design/character, highways and parking, neighbouring amenity and drainage.

In weighing up these issues, when taken together, it is not considered that there are adverse impacts of the development which would significantly or demonstrably outweigh the benefits of the proposal.

There are no other material considerations that would alter the above planning balance.

Overall, the planning balance is considered to fall significantly in favour of granting planning permission.

Decision: Permission

Case Officer: Katherine Williams