

Angela Russell

From: Joseph Swift <Joseph.Swift@midsussex.gov.uk>
Sent: 13 July 2022 10:46
To: Angela Russell
Subject: Pre-application advice

Dear Mr Belliere,

RE: Conversion of out building to new dwelling and extension to main house

AT: Rock Lodge Cottage, Lewes Road, Scaynes Hill, Haywards Heath, West Sussex, RH17 7NG

REFERENCE: DM/22/0336

Following our site meeting these notes cover what was discussed. Please accept my apologies for the delay in replying.

The extension to the main house has already been approved and as such my notes will not cover that.

In 2001 planning application 01/00335/FUL was granted permission for: Removal of mobile home and outbuildings and erection of domestic outbuilding.

This permission had the following conditions attached:

- The accommodation hereby permitted shall be occupied solely for the purposes incidental to the enjoyment of Rock Lodge Cottages, Lewes Road, Scaynes Hill as a dwelling.
Reason: The establishment of a commercial use within this location would be contrary to policies which seek to prevent development within the Countryside.
- The are of floorspace of the building occupied for the purposes of homeworking shall be that shown on approved drawing No. 669/02C only.
Reason: To protect the amenity and character of this rural location.

As such the proposed change of use of this building would require planning permission. The application site is designated as being within the Countryside, as such a proposal of this type would be assessed against Policy DP4: Housing, Policy DP6: Settlement Hierarchy, Policy DP12: Protection and Enhancement of Countryside, Policy DP15: New Homes in the Countryside, Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC), Policy DP21: Transport, Policy DP26: Character and Design, Policy DP27: Dwelling Space Standards, Policy DP39: Sustainable Design and Construction and Policy DP41: Flood Risk and Drainage of the Mid Sussex District Plan. Full text of these policies are available via the following link:
<http://www.midsussex.gov.uk/planning-building/mid-sussex-district-plan/>

At Local Level consideration would also be given to Policy 1 (Spatial Plan for the Parishes) Of the Lindfield and Lindfield Rural Neighbourhood Plan. Full text of this policy is available via the following link:
<https://www.midsussex.gov.uk/media/2825/lindfield-and-lindfield-rural-neighbourhood-plan.pdf>

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.
<https://www.midsussex.gov.uk/planning-building/supplementary-planning-documents/>

Principle of development

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.'

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 in this part of Mid Sussex consists of the District Plan and the Lindfield and Lindfield Rural Neighbourhood Plan.

The District Plan has been adopted and the Council can demonstrate a 5 year supply of deliverable housing land. The balance to be applied in this case is therefore a non-tilted one.

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 short, residential development in this location would generally be contrary to Policy DP6, Policy DP12 and DP15 of the Mid Sussex District Plan, while at local level policy 1 of the neighbourhood plan in part states:

'Only development proposals within the built up area boundaries of Lindfield and Scaynes Hill, as shown on the Proposals Map, will be supported and the re-use of previously-developed sites will be encouraged, provided that the development is appropriate in scale, massing, and character, and that the proposals for development have had due regard to the policies contained elsewhere in this Plan and the Local Development Plan'

The site is within a countryside location and would be highly unsustainable, located at significant distances from surrounding villages containing essential local services occupiers would be reliant on the private car to access local services for their day to day needs.

However, there are a couple of relevant exceptions to these general policies of restraint. One is for an agricultural worker; and the other would be where the design of the dwelling is of exceptional quality.

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

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

Policy DP15 states (in part):

'Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

- *Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or*
- *In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area.*

Permanent agricultural (includes forestry and certain other full time rural worker) dwellings will only be permitted to support existing agricultural activities on well-established agricultural units where:

- *The need cannot be fulfilled by another existing dwelling on or any other existing accommodation near the agricultural unit; and*
- *It can be proven that it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times; and*
- *It can be proven that the farming enterprise is economically viable; and*
- *It can be proven that the size of the dwelling is commensurate with the established functional requirement of the agricultural unit.*

Temporary agricultural dwellings essential to support a new farming activity either on a newly created agricultural unit or on an established one will be subject to the criteria above and should normally be provided by temporary accommodation.'

These policies are fully in accordance with paragraph 80 of the NPPF, which states:

'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:*
 - *is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'*

The agricultural exemption set out above will be rigorously assessed by an independent consultant if a planning application were to be submitted and would be justifiable only for a full-time agricultural worker, not as an agricultural 'hobby'. As such the onus will be on you to provide sufficient information with any application submitted to show that there is a need for a vineyard workers dwelling within this location.

Design and Character

Although the conversion works have already been undertaken, the majority of them were internal and as such it is not considered that the proposal would have an adverse impact on the character of the existing dwellinghouse and that of the wider countryside.

Neighbouring Amenities

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

'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)'

A similar ethos is found within Principles DG45, 46 47 and 48 of the Mid Sussex Design Guide.

Owing to the rural character of the area and relationship to Rock Lodge and the other neighbouring properties it is not considered that the proposal would cause significant harm to neighbouring amenities.

Sustainability Statement

You should be mindful that any application will be required to be submitted with a Sustainability Statement that clearly sets out how matters of sustainable design and construction have been taken into account in relation to policy DP39 of the Mid Sussex District Plan.

Space standards

In accordance with policy DP27 of the Mid Sussex District Plan, residential dwellings are required to meet the minimum space standards set out in the nationally described space standards. Details of which are available via the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/524531/160519_Nationally_Described_Space_Standard_Final_Web_version.pdf

No details have been provided on the size of the building, however a 1 bed 1 person dwelling over 1 storey would need to have a gross internal floor area of some 39 square metres with 1 square metre of built in storage.

Parking

A link to the WSCC Parking standards is available below:

https://www.westsussex.gov.uk/media/1847/guidance_parking_res_dev.pdf

It is advised that the parking standards should be met.

Impact on Ashdown Forest

The proposal has the potential to increase the number of traffic movements across the Ashdown Forest that may have an adverse impact on the amount of nitrogen dioxide pollution deposited on the lowland heaths that make up the Ashdown Forest Special Area of Conservation (SAC), a site of European importance.

Proposed development planned as part of the Mid Sussex District Plan has been accompanied by a Habitats Regulation Assessment, part of which was informed by the Mid Sussex Transport Study. Where proposals have been included in the Transport Study, the council can undertake a Screening Assessment. However, where proposals have not been included, the council needs to satisfy itself on the potential traffic impacts as part of a Habitats Regulation Assessment in terms of screening and any further appropriate assessment.

Windfall sites such as this will be considered on a case-by-case basis at the time of determining any application. The case officer would contact you at an early stage once an application has been submitted, to advise whether there is sufficient capacity in the amount of development proposed in this area at the relevant time, meaning that the council can undertake a Screening Assessment, or not.

Further information on this matter can be found on our website via the following link (scroll down towards the bottom): <http://www.midsussex.gov.uk/planning-building/protecting-ashdown-forest/>

Conclusion

Provided the proposal meets all the above mentioned requirements, in particular a robust justification is provided in support of the application showing the agricultural need for a vineyard workers dwelling within this location and the proposal meets the dwelling space standards an application would be invited.

Other Matters

We also discussed the fencing, permitted development allow fences to be erected up to 1 metre in height adjacent to the highway and 2 metres in any other case. Provided the fencing does not exceed this it is my informal opinion planning permission is not required.

In relation to the garage, in accordance with my advice we have received an application for the garage which will be determined in due course.

Finally, on site we discussed the extension of the car park having looked through the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended I am afraid that I was unable to find any permitted development rights for this, as such it is advised that planning permission is required.

Community Involvement

I would strongly suggest approaching the local residents in advance of any application submission (in particular the immediately adjacent residents) in accordance with the recommendations in the Council's adopted Statement of Community Involvement:

<https://www.midsussex.gov.uk/planning-building/consultation-monitoring/>

You may also wish to contact Lindfield Rural Parish Council to discuss your proposals as well.

The aim of pre-application consultation is to encourage discussion before a formal application is made enabling communities to have real influence over proposals before they are finalised. The process can help to identify improvements and overcome objections at a later stage.

The views in this email are at officer level only and do not prejudice the Council from making whatever decision it considers appropriate on any application subsequently submitted.

The information contained in pre-planning advice may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information contained is legally exempt from disclosure, we cannot guarantee that we will not provide the whole or part of this advice to a third party making a request for information about the subject matter.

Regards

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