

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0992	Case Officer:	Deborah Lynn
Application Type:	Mod. / Discharge of Planning Obligation		
Proposal:	This application seeks to remove the S106 planning agreement dating from 31st July 2000 and linked to application BK/039/99.		
Site:	Sheepcroft, Park Farm, Broxmead Lane, Bolney, Haywards Heath, West Sussex, RH17 5RJ,		
Validation Date	8 May 2026	Overall Expiry Date:	10 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	23 Jul 2026
Target Date:	3 Jul 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	24 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0992

Sheepcroft, Park Farm, Broxmead Lane, Bolney, Haywards Heath, West Sussex, RH17 5RJ

This application seeks to remove the S106 planning agreement dating from 31st July 2000 and linked to application BK/039/99.

Mr Nick Edgeley

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None received.

BOLNEY PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

This application seeks permission to remove the S106 planning agreement dated 31st July 2000 and linked to application BK/039/99.

RELEVANT PLANNING HISTORY

BK/039/99 - Conversion of redundant agricultural buildings to 'granny annexe'. Permission granted 04.08.2000.

BK/03/01846/FUL - Extension to provide bedroom and en-suite facilities. Refused 27.08.2003. Dismissed at appeal 22.09.2004.

BK/05/02763/FUL - Removal of S106 agreement to allow the 'Granny Annexe' at Park Farm House to be a separate dwelling house. Refused 28.02.2006. Dismissed at appeal 22.03.2007.

SITE AND SURROUNDINGS

Sheepcroft is a former agricultural building located to the east of Park Farm House on Broxmead Lane in Bolney. A small group of residential properties lies to the northeast, including Old Park Farm Stables. Bolney Park Farm adjoins the site to the east.

Sheepcroft has an 'L' shaped plan form and forms ancillary residential accommodation, a 'granny annexe', to be used in association with Park Farm House. The accommodation is comprised of a sitting / dining room, kitchen, two bedrooms and bathroom and is self-contained, being detached from Park Farm House by the private access road that serves the group of properties located at the farm.

The external walls of the building are a mix of stonework and timber weatherboarding with a mix of clay tiles and Horsham stone to the roof. The accommodation benefits from a small grass area to the south. A paved parking area that can accommodate up to 4 cars immediately adjoins the building and access road to the west.

In terms of planning policy, the application site lies within the countryside, and the High Weald Area of Outstanding Natural Beauty (AONB).

APPLICATION DETAILS

This application seeks to remove / discharge a S106 legal agreement dated 31st July 2000 linked to planning application BK/039/99 which concerned the conversion of the redundant agricultural building to a 'granny annexe'.

The legal agreement was made between Mid Sussex District Council and the former owners of Park Farmhouse and the Cheltenham and Gloucester Building Society. The agreement bound the owners and their mortgagee and successors in title and land to the following restrictions and obligations set out under the second schedule:

'(1) Not to use or cause or permit the use of the Residential Annexe or any part thereof for any purpose other than the provision of living accommodation ancillary to the private residential use of the Main Dwelling

(2) Not to use or cause or permit the use of the Residential Annexe as a separate dwelling house or for any commercial or business purpose.'

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Bolney Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP4 Housing
DP6 Settlement hierarchy
DP12 Protection and enhancement of countryside
DP15 New homes in the countryside
DP16 High Weald Area of Outstanding Natural Beauty
DP17 Ashdown Forest SPA and SAC
DP21 Transport
DP26 Character and design
DP27 Dwelling space standards

Site Allocations DPD

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

SA38 Air quality

Bolney Neighbourhood Plan

The Neighbourhood Plan was made on the 21st September 2016.

BOLBB1 Built up area boundary
BOLE2 Protect and enhance the countryside
BOLD1 Design of new development and conservation
BOLT1 Transport impact of development
BOLT3 Off-street parking provision for new residential development

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 hearings were concluded on 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS6 Health and wellbeing
DPC1 Protection and enhancement of the countryside
DPC3 New homes in the countryside
DPC4 High Weald Area of Outstanding Natural Beauty
DPC6 Ashdown Forest SPA and SAC
DPB1 Character and design
DPT4 Parking and electric vehicle charging infrastructure
DPH1 Housing
DPH2 Sustainable development - outside the built-up area
DPH11 Dwelling space standards

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 High Weald Area of Outstanding Natural Beauty Management Plan

Technical Housing Standards Nationally Described Space Standards

National Planning Policy Guidance (NPPG)

Paragraph: 020 Reference ID: 23b-020-20190315 of the National Planning Practice Guidance (NPPG) states that:

'Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to change the obligation where it "no longer serves a useful purpose" or would continue to serve a useful purpose in a modified way (see section 106A of the Town and Country Planning Act 1990).'

ASSESSMENT

The legal agreement dating from 2000 restricts the sole use of the building at Sheepcroft as ancillary living accommodation to the private residential use of the main dwelling at Park Farm House and prevents the building from being used as a separate independent dwelling.

When considering the removal / discharge of the legal agreement, the test as set out by National Planning Policy Guidance is whether the agreement still serves a useful purpose from a planning perspective.

Permission has previously been sought from the Council in 2007 in respect of discharging the legal agreement, under planning reference BK/05/02763/FUL. The application was refused by the Council on the grounds that the creation of an independent unit of residential accommodation in the countryside would harm the rural area, thereby conflicting with local plan policies C1 and H11. The application was then taken to appeal (reference APP/D3830/Q/06/2017195) and was subsequently dismissed on the grounds that the proposal would be detrimental to the character of the area. The Planning Inspector surmised that *"there would be a likelihood that a separate dwelling would create more external domestic paraphernalia and garden enclosures which would tend to suburbanise this rural area. I acknowledge that the levels of traffic from the former owner's use might have been similar to that of a separate dwelling, but this was the result of one particular use, which has now ceased. If two dwellings were to be created, then the number of vehicle movements would be likely to increase permanently. These changes would harm the character and appearance of the surrounding area contrary to the objectives of Local Plan policy C1. The proposal would also fails to comply with the criteria set out in policy H11."*

Local Plan policy C1 concerned the protection of the countryside, of which a similar stance is set out under policy DP12 of the Mid Sussex District Plan. Policy H11 concerned housing in the countryside and stated that "Outside the defined built-up area boundaries proposals for new housing development for agricultural or forestry workers will be permitted where it can be demonstrated that there is a proven and overriding need for the dwelling to be in such a location, that it is of an appropriate size, and that it forms part of a viable agricultural or forestry holding."

In view of the above, the main issues deemed relevant to the consideration of this application are the principle of development and impact upon the appearance and character of the area.

Principle of development

When considering the principle of new residential development, policies DP6, DP12 and DP15 of the District Plan and BOLBB1 and BOLE2 of the Neighbourhood Plan are relevant.

Policy DP12 seeks to protect the countryside in recognition of its intrinsic character and beauty and permits development that 'maintains and where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'

A similar stance is taken by Neighbourhood Plan policy BOLBB1, whilst policy BOLE2 states that 'outside the built-up area boundary, development must demonstrate that it does not have an unacceptable impact on the landscape.'

District Plan policy DP15 concerns new homes in the countryside and advises in part that:

'Re-use of rural buildings for residential use

The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed agricultural building which has not been or has been little used for its original purpose and:

- o the re-use would secure the future of a heritage asset; or*
- o the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.'*

In addition, the policy notes that 'New 'granny annexes' that are physically separate to the dwelling are defined as a new home and are subject to the same requirements as above'.

Policy DP6 relates to settlement hierarchy and designates Bolney as a category 3 settlement, stating in part that outside defined built-up area boundaries, the expansion of settlements will be supported where:

- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- 2. The site is contiguous with an existing built up area of the settlement; and*
- 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites as required by paragraph 78 of the NPPF, a tilted balance should be applied when considering proposals for housing as set out under paragraph 11 (d) of the NPPF:

'11. Plans and decisions should apply a presumption in favour of sustainable development.

... 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 plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the 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.'*

As policies DP4 (Housing) and DP6 (Settlement Hierarchy) relate to the supply of housing, such policies are considered to be out of date, having regard to the degree of conformity with the NPPF.

As District Plan policy DP12 and Neighbourhood Plan policies BOLBB1 and BOLE2 seek to protect the countryside and do not relate to the supply of housing, the weight afforded to such policies is moderate.

As policy DP15 identifies new homes in the countryside where special justification exists and is consistent with NPPF paragraphs 82 to 84, it is considered that the policy can be given full weight.

As policy DP15 concerns the conversion of rural buildings, it is considered particularly relevant when considering the proposal, albeit the building has already been converted to form ancillary accommodation. As the existing annexe building is self-contained and physically separate from the main dwellinghouse, it is of interest to note that the proposed conversion would be treated as a new residential dwelling were the proposal considered afresh today. This represents a contrast from the development plan policies in place when the original planning permission was granted, with the Planning Officer noting in the committee report for the application that a business use would normally be preferred over residential when considering rural conversions.

In the Planning Statement submitted with this application, the planning agent has listed the following recent planning applications within the locality whereby planning permission has been granted to change the use of an annexe to independent dwelling:

- DM/20/2068: Annexe, Old Highlands West, London Road, Bolney
Full planning permission for the unfettered residential use of building permitted under planning reference 09/03585/FUL (Proposed ancillary annexe accommodation for dependent elderly relatives). Permission granted 11.08.2020.
- DM/21/0446: Annexe, Old Highlands East, London Road, Bolney
Change annexe from ancillary accommodation for main dwelling to independent 2 bedroom dwelling. Permission granted 18.03.2021.
- DM/22/1920: Old Park Farm Stables, Broxmead Lane, Bolney
Change of Use from ancillary annexe to independent dwelling at Old Park Farm Stables. Permission granted 12.09.2022.

The application at Old Park Farm Stables is particularly salient, as the property is sited amongst the group of properties at Park Farm. Whilst the proposed change of use from an annexe to independent dwelling was not necessarily considered to comply with District Plan policies DP6 and DP15, the Planning Officer noted that "in practical terms, the property is separate from the main house at Park Farm Cottage and has an established access. It was confirmed during the Case Officer's site visit that the internal layout is shown as on the plans and therefore can be lived in independently without reliance on the main dwelling. As such it is considered that there would be no material harm in the former annexe being used as an independent dwelling."

A similar judgement can be taken when considering the current proposal to remove the planning obligation. The annexe accommodation is separate from the main dwelling at Park Farm House and has an established access and parking area, plus separate garden area and small patio which lies to the south of the accommodation. It was evident during the Planning Officer's site visit that the building could be lived in independently without reliance upon the main dwelling. As such, it is considered that there would be no material harm in the former annexe being used as an independent dwellinghouse.

In this instance, the proposal is considered to be acceptable and would result in a modest contribution to the Council's 5 year housing supply.

Impact on character of area and High Weald AONB

As the site lies within the countryside, NPPF paragraph 187 is relevant, stating in part that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

This stance is reflected under policy DP12 of the District Plan which states that development proposals will be permitted in the countryside provided they maintain or where possible enhance the quality of the rural and landscape character of the District. Neighbourhood Plan policy BOLE2 states in part that development must demonstrate that it does not have an unacceptable impact on the landscape.

Policy DP26 of the District Plan relates to character and design and requires all proposals, including alterations and extensions, to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. BOLD1 of the Neighbourhood Plan requires proposals to be designed to a high quality to reflect Bolney's rural nature and respond to the heritage and distinctive character, having regard to the height, scale, spacing, layout, orientation, design and materials of buildings amongst other criteria.

The application site also lies within the High Weald Area of Outstanding Natural Beauty.

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CROW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CROW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'. The Levelling-up and Regeneration Act (2023) amended section 85 of the CROW Act, to create a new duty on relevant authorities to 'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs'. A similar ethos can be found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues.'

A similar ethos can be found under policy DP16 of the District Plan, which states in part that development '*will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan*'...

The proposed removal of the planning obligation would allow the building to be used as an independent dwelling in place of annexe accommodation.

As noted previously in this report, when permission was sought in 2005 to remove the planning obligation, the Planning Inspector concluded that the proposal would be likely to result in domestic paraphernalia and garden enclosures that would suburbanise the rural area, and that the number of vehicle movements would be likely to increase permanently, thereby having a detrimental impact on the character and appearance of the rural area.

Whilst these concerns are noted, the garden area serving the accommodation is modest in size and well screened within the locality, with an established hedge lining the boundary with Bolney Park Farm. Whilst the Council acknowledges that the hedge could be removed or lost at some future point, given the modest size of the garden it is considered that the proposal would have limited visual impact upon the surrounding rural area given its current use. In addition, the parking area serving the annexe is well screened within the locality, being obscured in surrounding views by the annexe building and surrounding properties. Whilst the proposal may result in more traffic movements to and from the building, it is not considered that this would be to any significant degree.

When planning permission was originally granted for the annexe accommodation under BK/039/99, a number of restrictive conditions were imposed in respect of any enlargement, improvement or other alteration of the dwellinghouse or the erection of any buildings, enclosures or pools within the curtilage of the building. Permitted development rights were also restricted in respect of erecting any gates, walls, fences or other means of enclosure or painting the building. Given these restrictive conditions, the Council would have a degree of control over the future appearance of the property, albeit it is acknowledged that a number of historical works appear to have been carried out without planning consent, such as the conversion of a car port to a bedroom and external alterations to the building. These works appear to have taken place prior to the property being marketed for sale in 2009.

Notwithstanding this, it is considered that the proposal would have limited visual impact upon the wider countryside, thereby maintaining the rural and landscape character of the District and the wider landscape and scenic beauty of the High Weald AONB.

The proposal is therefore considered to accord with policies DP12, DP16 and DP26 of the District Plan and policies BOLE2 and BOLD1 of the Neighbourhood Plan, as well as paragraph 189 of the NPPF.

Highways / Parking

Policy DP21 of the District Plan relates to Transport and requires development proposals to be sustainably located to minimise the need for travel and that schemes protect the safety of road users and pedestrians, amongst other criteria. In addition, development proposals should provide *'adequate car parking for the development, taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable.'*

BOLT1 of the Neighbourhood Plan requires that development proposals have an acceptable impact upon highway safety and do not lead to increased congestion whilst BOLT3 concerns parking provision for new residential developments.

The accommodation benefits from a parking area that can accommodate up to 4 cars, thereby meeting with WSCC parking standards and policy BOLT3 which both recommend that a 2 bed dwelling in this location has 2 parking spaces.

Whilst the proposed dwelling would not necessarily be considered to be sustainably located, considering the existing annexe use, it is not anticipated that the proposal would give rise to a significant increase in traffic movements.

The proposal is therefore considered to accord with aforementioned policies.

Standard of accommodation

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 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. Policy DP27 of the District Plan requires development proposals to meet these standards.

Dwelling space standards recommend that a single storey 2 bed dwelling for 3 persons has a minimum gross internal floor area of 61 square metres plus 2 metres built-in storage. The submitted floor plan indicates that the accommodation would provide an internal floor area of approximately 88.9 square metres, with bedrooms compliant with relevant standards. The proposal therefore accords with District Plan policy DP27 and is considered to represent a satisfactory standard of accommodation.

Other matters

The proposal is not considered to have a harmful impact upon neighbouring amenities, considering the existing use. Nor is the proposal considered likely to have a significant effect upon the Ashdown Forest SPA and SAC.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate 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.

Weighing in favour of the scheme is that the development would provide 1 residential unit at a time when there is a need for local authorities to boost significantly the supply of housing and this should be given positive weight.

The proposal is considered to have a neutral impact in terms of impact on the character of the area; the wider landscape and scenic beauty of the High Weald AONB will be conserved. Nor should the proposal be harmful to neighbouring amenities or affect highway safety. There should be no likely effects on the Ashdown Forest SPA and SAC.

Weighing against the scheme are the concerns that the proposal would not comply with criteria as set out under policies DP6 and DP15 of the Mid Sussex District Plan. However, the proposal would utilise existing annexe accommodation which could be used independently from the main dwellinghouse. With no external changes proposed to the existing building or parking and access arrangements, the character of the area should remain unchanged.

The proposal is therefore considered to accord with policies DP12, DP16, DP17, DP21, DP26 DP27 of the Mid Sussex District Plan and policies BOLBB1, BOLE2, BOLD1, BOLT1 and BOLT3 of the Bolney Neighbourhood Plan.

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

As such, the Section 106 legal agreement dated 31st July 2000 relating to land at Park Farm House is no longer considered to serve a useful purpose from a planning perspective and therefore the proposed removal of the legal agreement is deemed acceptable.

Decision: Permission

Case Officer: Deborah Lynn