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Our ref: PAR12/1

Your ref: DM/25/2626

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BY EMAIL ONLY: [planninginfo@midsussex.gov.uk](mailto:planninginfo@midsussex.gov.uk)

Dear Sir/Madam

**DM/25/2626 - Subdivision of the existing residential plot to create 2no residential dwellings, alongside retention of existing dwelling**

1. We are instructed by Amber Parr of 44 Hurst Road, Hassocks, West Sussex, BN6 9NL (our “Client”) in relation to the above application which was validated by the council on 3 November 2025. Our Client lives adjacent to the application site and, as a result, she and her family would be particularly affected by development there.
2. The application is for the “subdivision of the existing residential plot to create 2no residential dwellings, alongside retention of existing dwelling” at 42 Hurst Road Hassocks West Sussex BN6 9NL. Essentially, the application seeks to erect two large dwellings on the site which will result in three dwellings there in total.
3. We have reviewed the application and we write to object to the proposal. It does not accord with the council’s development plan and there are very limited material planning considerations which point towards approval. The application should be refused.
4. Supporting these representations is a letter by Dr Cosmin Ticleanu FSLL, principal lighting consultant at the BRE Group. It is enclosed with this letter.

**Principle of Development**

5. The application treats the principle of development as having been established on the basis that previous applications have already been granted at the site. However previous grants of permission are far from determinative. As the planning statement points out, there are elements of this application that have not been considered in the past (such as the extension to the driveway within the site, and the larger footprint proposed at upper ground floor level for the dwelling to the rear).
6. The application ignores that officers in previous applications have concluded that similar proposals are in fact “contrary in principle to the Development Plan” (officer’s report in application reference DM/24/0272).
7. Development has been approved across several permissions in a scattered way in different years. This is the first time that two dwellings have been applied for together.

8. Applications must be considered on their own merits at the time they are made. They must be determined in accordance with the council's development plan (taken as a whole) unless there are material planning considerations that indicate otherwise. The development plan includes the Mid Sussex District Plan and the Hassocks Neighbourhood Plan.
9. It is claimed that the application is consistent with Policy DP6 (Settlement Hierarchy). Policy DP6 permits small-scale growth on the outskirts of existing settlements provided three policy criteria are satisfied. The second criterion is that

*“The site is contiguous with an existing built up area of the settlement.”*

10. The applicant's planning statement asserts (at paragraph 6.4) with emphasis:

*“The site is functionally and physically part of Hassocks, **albeit outside of the defined built-up area boundary.**”*

11. That is a contradiction in terms. The site cannot be physically part of Hassocks while at the same time being outside its settlement boundary. In fact the application site is not contiguous with the existing built up area boundary.
12. The application asserts that the reference to “built up area” rather than a defined ‘built up area boundary’ in criterion 2 means that there is only a requirement that development be contiguous with the built-up area of an existing settlement. It states that planning appeal decisions “confirm” that is the case. The planning statement points to just one appeal decision which it says supports that view. It has not drawn the council's attention to any other appeal decisions.
13. In a different decision (appeal reference APP/D3830/W/23/3320256) an inspector was asked to consider Policy DP6. He stated (with emphasis):

*“11... my reading of Policy DP6, at face value, is that **Criterion 2) means the built-up areas are defined by the ‘built-up area boundaries’ that are earlier referred to in the policy, rather than other built form that could be far more subjective to interpretation.** Furthermore, I agree with the previous Inspectors [sic] finding that this would be a logical reading of the policy, as otherwise it could enable the continuous encroachment of development into the countryside provided it remain contiguous with some existing built form. From my reading of the policy, its supporting text, including the strategic objectives of the MSDP, I do not consider that it is the intention of Policy DP6 to promote development in this manner.”*

14. In that decision, the inspector provided a more comprehensive analysis of Policy DP6 than the inspector in the decision relied on by the applicant. Moreover it was in respect of an application that is similar to the one for determination in this application. In our submission, council officers should follow the latter planning inspector's views which better reflect the policy's aim and intentions.
15. The application therefore does not satisfy Policy DP6.

## **Settlement Coalescence**

16. The proposed development would also contribute to the coalescence of Hurstpierpoint and Hassocks, contrary to DP13 and Policy 1 of the neighbourhood plan.
17. The application site is located between the villages of Hassocks and Hurstpierpoint.

18. Policy 1 of the Hassocks Neighbourhood Plan notes that the area between Hassocks and Hurstpierpoint is “generally undeveloped” and identifies it as a Local Gap. The Policy states (with emphasis) that “Local Gaps have been defined and **will be safeguarded**”.
19. The application is therefore in clear conflict with Policy 1 of the neighbourhood plan.
20. Robust evidence was produced at the neighbourhood plan making stage to carefully identify the Hassocks and Hurstpierpoint Local Gap.
21. The Mid Sussex District Plan states that settlement patterns in the district make an important contribution to the distinctive character of Mid Sussex. Policy DP13 of the Mid Sussex District Plan states:

“The individual towns and villages in the District each have their own unique characteristics. It is important that their separate identity is maintained.”

“... development will be permitted if it does not result in the coalescence of settlements which harms the separate identity and amenity of settlements, and would not have an unacceptably urbanising effect on the area between settlements.

Local Gaps can be identified in Neighbourhood Plans ... , where there is robust evidence that development within the Gap would individually or cumulatively result in coalescence and the loss of the separate identity and amenity of nearby settlements. Evidence must demonstrate that existing local and national policies cannot provide the necessary protection.”
22. The importance of the policies preventing coalescence is illustrated in two planning appeal decisions:
  - a. On 4 September 2014 the Secretary of State refused a called-in application for housing to be built in the Local Gap (appeal reference APP/D3830/V/14/2211499). The inspector considered the Local Gap to be “crucial” for maintaining separation. Even small diminutions of openness were regarded by the inspector as “significant”.
  - b. In a different appeal (reference APP/D3830/W/14/2226987), a planning inspector acknowledged that the gap between Hurstpierpoint and Hassocks serves an important planning function in preventing the coalescence of the two settlements, and maintaining their separate identities and amenities. Housing was found to harm the Local Gap.
23. These two decisions illustrate that even small developments between the settlement boundaries (such as this one) can incrementally deprive settlements of their unique character. This development would be unacceptably urbanising in an area which planning inspectors has acknowledged is “crucial” for preventing “significant” harm.
24. It is notable that decisions in previous applications at the site have never analysed Policies DP13 or Policy 1 in the same level of detail as above. When those policies are scrutinised, and one considers how planning inspectors have treated the Local Gap, it is clear that those policies are relevant.
25. The conflicts with the District Plan Policy DP13 and Neighbourhood Plan Policy 1 carry significant weight, given the importance assigned to them by the inspectors in the

decisions above. The application fails to comply with either Policy DP13 or Policy 1 and it should be refused accordingly.

## Character and Landscape

26. The application site falls outside any built-up area boundaries on the Policies Map. It is therefore in the countryside. Policy DP12 of the Mid Sussex District Plan therefore applies and provides (with emphasis):

**"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.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) **will be used to assess the impact of development proposals on the quality of rural and landscape character.**

27. The Landscape Character Assessment sets out a series of Management Guidelines. The application site is located to the north of the Eastern Scarp Footslopes management area (LW11). One of the key issues related to change in the area is the "Gradual suburbanisation of the landscape" which conflicts with its "high level of perceived naturalness" and "rural quality".

28. Policy DP12 lists various landscape evidence documents that "will" – i.e. must – be used to assess a development's impact on the landscape. The application does not recognise this. Strikingly, none of those documents are referred to in the application's planning statement.

29. The Mid Sussex Landscape Character Assessment recognises that even small-scale incremental changes negatively affect the landscape including:

"[the] Introduction of suburban styles and materials into the countryside as a result of property improvements."

..."It is anticipated that pressures for development will persist ... Traffic levels will continue to rise. Together with increasing recreational demands, these numerous changes are likely to have a cumulative effect, eroding further the perceived rural, secluded and tranquil nature of many parts of the area."

30. Similarly, the West Sussex County Council Strategy for the West Sussex Landscape sets out a series of county wide landscape guidelines. They include:

"locate and design development to retain a sense of the identity of settlements and ensure their separateness."

..."protect the setting of areas valued for their natural beauty.", and "minimise the impact of lighting in the landscape".

31. The application is in breach of Policy DP12 because:

- a. it does not demonstrate how it will maintain or enhance the quality of the area's rural and landscape character.
- b. it is neither necessary for the purposes of agriculture nor does it demonstrate that it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan as the site is unallocated :
- c. It does not supply a landscape character assessment to assess the impact of development proposals on the quality of rural and landscape character.

32. The applicant's planning statement (at paragraph 2.4) states the development would not uncharacteristically alter the urban grain of the area. That is not right. In what is a predominantly residential area, no other parcels of land have been subdivided to erect three dwellings. Hurst Road is populated by single generous dwellings. If granted, the application would introduce a level of built form which has never been present along Hurst Road, notwithstanding prior consents. The development is erected it will create a precedent which could allow others along Hurst Road to subdivide their own properties, further harming the Local Gap and contributing significant planning harm.

33. In addition, there is no consideration given to whether the site is within a valued landscape under paragraph 187 of the NPPF. If it is a valued landscape, the application must "protect and enhance" that landscape: see also *Stroud District Council v Secretary of State for Communities and Local Government* [2015] EWHC 488. The Local Gap could well elevate the landscape to a "valued" one under the NPPF, particularly in light of inspectors' comments (referred to at paragraph 22). The application would therefore need to enhance it.

34. Accordingly, the application cannot be shown to comply with Policy DP12. It fails to assess the impact of development on the landscape character in any meaningful way.

## **Homes in the Countryside**

35. Policy DP15 of the Mid Sussex District Plan states (with emphasis):

***"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."***

36. Special justification is defined by reference to four independent criteria. Relevant to this application is:

***"The proposed development meets the requirements of Policy DP6: Settlement Hierarchy."***

37. As set out above, the application does not comply with either Policy DP12 or Policy DP6. The application fails to comply with Policy DP15 because it cannot be shown to comply with Policy DP12 (as above).

38. The planning statement states (at para 7.4) that the delivery of new housing in 'countryside' locations is supported by the NPPF where this involves the subdivision of existing dwellings. However that only applies in respect of 'isolated homes', which is not the case here: see paragraph 84 of the NPPF.

## Lighting

39. The Mid Sussex District Plan notes that “Mid Sussex has a high quality environment and its residents value tranquillity and freedom from unpleasant noises, smells or light glare”. Policy DP29 provides (*with emphasis*):

**“The environment, including ... the quality of people’s life will be protected from unacceptable levels of ... light ... pollution by only permitting development where:**

...

**Light pollution:**

- The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;
- The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;”

40. Policy 9 of the Hassocks Neighbourhood Plan states:

Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles ... 6. Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;

41. The application states (at paragraph 6.44 of the planning statement) that “the proposal will preserve the amenities of neighbouring residents, and so complies with District Plan Policy DP26 and Neighbourhood Policy 9.” Policy DP29 is not referred to. Neither a lighting statement nor a daylight and sunlight report was submitted with application. Instead reliance is placed on a report used in a previous application at the site (reference DM/24/178). That report was drafted in 2023.

42. In the enclosed letter by Dr Ticleanu, he states that the site currently experiences low levels of artificial lighting at night, with minimal street lighting and low or no outdoor lighting at existing premises. This indicates the surrounding environment is relatively dark, increasing the sensitivity of both human and wildlife receptors to any new light sources, however minor. He also observes, among other things (*with emphasis*):

- a. There is “no evidence of any lighting design, either for outdoor areas or internal spaces. **This omission is significant** given the potential for obtrusive light impacts.”
- b. The development would have “**considerable** glazed areas, including windows and rooflights facing the neighbouring property at 44 Hurst Road” which could “allow light from internal spaces to **spill outward, contributing to obtrusive effects** for both human receptors and wildlife” (We pause here to note that the inspector in appeal reference APP/D3830/V/14/2211499 states that “pleasant and unobstructed views” from private houses contributed to the landscape character of the Local Gap. Dr Ticleanu’s observations suggest that those views would be obstructed at night).
- c. The access road leading to the house at the rear of the site “**introduces an additional risk of light pollution from vehicle headlights.** Vehicles leaving the garden house during hours of darkness **will project intense beams of light toward windows at 44 Hurst Road and into the night sky.** Modern LED headlights, with their cool white, blue-rich spectrum, amplify glare for human

receptors due to their high luminous intensity and increased light scattering within the eye. They also contribute to greater sky glow through more intense atmospheric scattering of emitted light.”

43. Dr Ticleanu concludes that “In summary, in the absence of a formal lighting assessment and detailed design proposals, **there is a credible risk of obtrusive light impacts affecting both human receptors at 44 Hurst Road and local wildlife**”
44. Contrary to Policy DP29, the application has not demonstrated that the quality of people’s lives will be protected from unacceptable levels of light pollution. There is a credible risk that light at the site would spill into our Client’s property and have an obtrusive effect on her and her family. Additionally there is a credible risk that vehicles using the access road at night would shine their headlights directly towards windows at our Client’s property. Beams of light would be “intense”.
45. The lack of any lighting design either for outdoor areas or internal spaces is regarded as “significant”. It is also runs counter to Policy DP29 which requires applicants to demonstrate good design including fittings to restrict emissions from proposed lighting schemes. Similarly, Policy 29 requires evidence to show that there would be (with emphasis) “**no unacceptable harm**” to the amenities of existing nearby residents, including light.
46. The applicant is simply unable to show this. Accordingly, it cannot be shown that either Policy DP29 or Policy 9 has been complied with. Given the concerns raised by Dr Ticleanu, officers should presume they have not been complied with.

## Highways

47. The application proposes to move highway access to the site. The addition of two large houses will increase vehicle traffic along Hurst Lane. We are instructed that the footway is well used by school children attending schools in Hassocks and Hurstpierpoint. Necessarily, an increase in traffic from dwellings along the road will increase the risk of accidents. A risk to schoolchildren is by definition unacceptable. Paragraph 116 of the NPPF provides that unacceptable risk to highway safety can lead to refusal.
48. The application documents are contradictory and inadequate:
  - a. They only demonstrate two cars per house yet it appears that the application actually envisages seven parking spaces for the entire development site. Even still, the West Sussex County Council Car Parking Demand Calculator indicates the entire development site actually requires nine parking spaces.
  - b. The application does not show vehicle swept path for three vehicles. It only shows them for two vehicles as depicted on plans.
  - c. It appears that the scales on the plans showing vehicles is wrong as cars are shown as approximately one meter in length.

## The Tilted Balance

49. The council does not have a five-year housing land supply and the tilted balance is engaged. Paragraph 11(d) of the NPPF provides that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

50. That does not detract from the fact that, primarily, applications must be determined in accordance with the council's development plan: see the Court of Appeal's judgment in *Monkhill Ltd v Secretary of State for Housing Communities and Local Government* [2020] PTSR 416. For the reasons above, the application does not accord with the development plan. Reliance on the tilted balance alone to approve an application would be unlawful.
51. In *Gladman Developments Ltd v Secretary of State for Housing Communities and Local Government* [2020] EWHC 518 it was made clear that just because a five-year supply of housing land cannot be demonstrated, the decision maker must still assess the weight to be given to development plan policies, including whether or not they are in substance out-of-date and if so for what reasons. As such, despite the council not having a five-year housing land supply, the council can safely refuse the application on the basis that it fails to comply with the development plan as a whole.
52. Relevant too is the fact that officers have concluded in the past that "the Council has performed excellently in respect of the Housing Delivery Test ..." (Officer's report for application reference DM/24/1748).
53. The tilted balance is a material consideration but it is far from determinative. Ultimately the application proposes just two additional dwellings which would not contribute meaningfully to the council's housing supply. They would be premium dwellings and likely be unaffordable to many. The family orientated mix presented by both dwellings would only cater to a narrow portion of the housing market. The benefits of the scheme are negligible.
54. The planning benefits are outweighed by the significant planning harms identified above, which, in previous applications, have not been analysed in the same level of detail:
  - a. The scheme would contribute to the coalescence of Hassocks and Hurstpierpoint. Inspectors have concluded that the Local Gap is "crucial" for maintaining separation and even minor impacts to openness are "significant".
  - b. The scheme would harm the urban grain. No other parcels of land have been subdivided to erect additional dwellings. The application would introduce a level of built form which has never been present along Hurst Road, exacerbating harm to the Local Gap.
  - c. The scheme would likely harm the landscape. Officers should exercise caution in this regard given that the application does not assess harm to the landscape in any meaningful way.
  - d. Granting the application would create a dangerous precedent in that it would give oxygen to others along Hurst Road who might apply for similar development. The Mid Sussex Landscape Character Assessment recognises that even incremental development slowly erodes the character of the area.
  - e. It would harm (where the NPPF states it should enhance) what could be a valued landscape in light of the Local Gap.
  - f. The scheme would give rise to credible risks of harm to the amenity of residents at number 44 Hurst Road.
  - g. The scheme would be harmful in highway safety terms.

55. Accordingly, the identified planning harms of this development significantly and demonstrably outweigh the negligible benefits of the scheme.
56. Finally, while private rights are not material planning considerations, viability is. The application has not demonstrated the development would be viable in the first place. On the face of it, our Client's property may benefit from either a common law or prescribed right to light: see section 3 of the Prescription Act 1832. That could make the development impossible to build without our Client's agreement. In addition there are a series of freehold covenants which affect the land which are likely to be relevant to whether the prevent development in the form applied for is possible.

## Conclusion

57. For the reasons above, the application should be refused. The application fails to comply with planning policy at both district and local level. It fails to comply with Policies DP6, DP12, DP13 DP15 and DP29 of the Mid Sussex District Plan, and Policies 1 and 9 of the Hassocks Neighbourhood Plan. It therefore fails to comply with the development plan taken as a whole.
58. In principle that should be enough to refuse the application but the titled balance is engaged. The planning benefits presented by the development would be minimal. In contrast the planning harms would be significant. The harms would therefore outweigh the benefits and the application should be refused.

