

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2806	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Retrospective application to turn office to one 3no bedroom flat.		
Site:	Flat 1, 106 High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9PX, ,		
Validation Date	17 Nov 2025	Overall Expiry Date:	19 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	7 Jan 2026
Target Date:	12 Jan 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	7 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2806

**Flat 1, 106 High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9PX,
Retrospective application to turn office to one 3no bedroom flat.
Mr Alex MacKay**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the current development proposal.

SUMMARY OF CONSULTEES

Drainage: No comment.

West Sussex County Council Highways: *'In summary, the LHA 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.'*

Environmental Health Officer: No objection.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: *'The committee believe that applicants should adhere to the terms of their original planning permission and should not subsequently submit applications for retrospective approval.'*

INTRODUCTION

The application seeks retrospective planning permission to turn one office into a three bedroom flat.

RELEVANT PLANNING HISTORY

DM/21/0968 - Conversion of upper floor offices into 3 self contained flats with natural daylight to all habitable rooms. Prior approval is granted 20.04.2021.

DM/21/3375 - Rear ground floor extension. Revised plans received showing 2 metre high timber screen on boundary with no. 104. Permission 07.12.2021.

DM/22/0296 - Enlarge the rear existing dormer and installation of a smoke vent window to the rear roof. Amended plans received 04/03/2022 reducing size of dormer window. Permission 19.04.2022.

SITE AND SURROUNDINGS

The application relates to Flat 1 at 106 High Street, a three-storey mid terrace unit set to the southern side of the highway. The site is linear in plot form and is bordered by a recreation ground to the south. In terms of materials, the existing building is composed of cream rendered walls and a tiled roof.

In terms of the sites locality, there are a number of services and vendors displayed throughout the street scene at ground floor level on both sides of the highway. There is some variation in building design from different time periods.

The site is located within the built up area boundary for Hurstpierpoint and is set within the Hurstpierpoint Conservation Area. There are grade II listed buildings set to the north across the road from the site at No.123 and 125.

APPLICATION DETAILS

The proposal seeks retrospective planning permission for the conversion of an existing office into a three-bedroom flat. The only external change would be the installation of additional drainage pipework to the rear elevation.

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 Allocations Development Plan Document (DPD) and the Hurstpierpoint and Sayers Common 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:

- DP1: Sustainable Economic Development
- DP3: Village and Neighbourhood Centre Development
- DP21: Transport
- DP26: Character and Design
- DP27: Dwelling Space Standards
- DP29: Noise, Air and Light Pollution
- DP34: Listed Buildings and Other Heritage Assets
- DP35: Conservation Areas

Site Allocations DPD

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

No relevant policies.

Neighbourhood Plan

Hurstpierpoint and Sayers Common Neighbourhood Plan (Made March 2015)

Relevant Policies:

Policy Housing HurstH1 - Hurstpierpoint and Sayers Common Housing Development

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) - Special regard to be had to the preservation of a listed building or its setting.

Section 72(1) - Special attention to be paid to preserving or enhancing the character or appearance of a conservation area.

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPN6 - Pollution

DPN7- Noise Impacts

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPB3 - Conservation Areas

DPT4 - Parking and Electric Vehicle Charging Infrastructure

DPE7 - Smaller Village and Neighbourhood Centres

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 National Planning Policy Framework (NPPF) 2024 is a material consideration.

Paragraphs 2, 8, 11, 39, 48, 96, 98, 131, 134, 135, 139, 189, 207, 208, 209, 212-215, 219 & 220.

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable

development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

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

National Planning Policy Guidance

National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

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

ASSESSMENT

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

- Principle
- Impact on Character and Design, Including Heritage Assets
- Impact on Neighbouring Amenities
- Highways Impact
- Impact on Future Occupants of the Development
- Biodiversity Net Gain

Principle

Among other matters, Policy DP1 of the District Plan states that:

'The total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year. This will be achieved by:

o Encouraging high quality development of land and premises to meet the needs of 21st century businesses;

o Supporting existing businesses, and allowing them room to expand;

o Encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries; and

o Seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections. [...]

Effective use of employment land and premises will be made by:

o Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;

o Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;
o Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).'

Furthermore, Policy DP3 of the District Plan states:

'These are defined as the village centres of Crawley Down, Cuckfield, Hassocks, Hurstpierpoint and Lindfield which meet the needs of their own communities and neighbouring small villages and countryside areas.

To support the village centres, development, including for mixed uses, will be permitted providing it:

- helps maintain and develop the range of shops and services to enable the village centre to meet local needs; and*
- is appropriate in scale and function to its location including the character and amenities of the surrounding area; and*
- is in accordance with the relevant Neighbourhood Plan.'*

Policy HurstH1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan stipulates that:

'To meet the future needs in the Neighbourhood Plan Area new housing development will be supporting in areas which:

- (a) Enhance the existing settlement pattern of the village;*
- (b) In Hurstpierpoint, can also provide significant areas of parkland adjacent to the built zones, to be owner and managed by the local community;'*

Whilst the proposal would result in the loss of existing office space, an expired permission was granted under a prior approval (DM/21/0968) for three self contained flats. The current proposal reduces the quantum of flats proposed to one and it is considered that the scope of the proposed development wouldn't be too dissimilar to the previously consented scheme. Moreover, the site is set within a defined settlement boundary.

Accordingly, the principle of development is considered to be acceptable, owing to the site's sustainable location. It is however also necessary to consider other planning issues in order to determine the overall planning balance.

Impact on Character and Design, Including Heritage Assets

With regard to the setting of the listed building, DP34 requires:

'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.'*

In terms of the impact on the Hurstpierpoint Conservation Area, policy DP35 of the District Plan 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:

- o 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;*

- o 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;*
- o 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;*
- o 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;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- o 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 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:

- o is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o 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.'*

Paragraph 216 of the NPPF is relevant in this instance, stating that:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Significance is defined in Annex 2 of the NPPF as *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'*

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

Paragraphs 212 - 215 of the NPPF states:

'212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

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

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

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

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

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

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the listed building or its setting in accordance with the requirements of Section 66 and to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal would not alter the existing at ground floor level, and the proposed flat would be contained to the upper floors. Only additional drainage pipework would be added to the rear elevation in terms of proposed external changes. This addition is considered to have a minimal visual impact from the public domain and would be set to a discrete position.

As such, the proposal is considered to result in a neutral impact on the Conservation Area and would preserve the setting of the nearby listed buildings. The proposal would therefore meet the provisions of policies DP26, DP34 and DP35 of the District Plan.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 in part seeks to ensure that development: *'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see DP29);'*

The proposed development would not increase the built footprint of the existing building. Accordingly, the proposal is considered to comply with the provisions of policy DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

Highways Impact

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. Additionally, Policy DP21 of the District Plan requires development proposals to protect the safety of road users and pedestrians.

In response to the proposed development, West Sussex County Council's Highways Engineer noted that a material intensification of movements to and from the site was not anticipated. Moreover, the existing four parking spaces to the rear of the site were considered to be sufficient to provide for a three bedroom flat in Hurstpierpoint. Your Planning Officer has no reason to disagree with this assessment and as such the proposed parking arrangement is considered acceptable.

Impact on Future Occupants of the Development

Whilst it has not been specified how many bed spaces there would be in the proposed flat, a three bedroom dwelling across three storeys would be required to at the very minimum demonstrate 90m² - 108m² of floor space with 2.5m² of built in storage. The proposal is considered to meet this requirement and would measure at circa 127m² in total floor space. It is also noted that no objection was received from the Council's Environmental Health Officer in response to the proposed development.

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 is retrospective 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 Hurstpierpoint and Sayers Common Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposed alterations are considered acceptable in terms of the impact on the listed building, the exterior design within the surrounding context and the amenities of the neighbouring occupiers. The proposal therefore accords with Policies DP1, DP3, DP21, DP26, DP27, DP29, DP34 and DP35 of the Mid Sussex District Plan, Policy HurstH1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas