

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1646	Case Officer:	Andrew Clarke
Application Type:	Full Application		
Proposal:	Retrospective Application to retain a raised timber decking structure installed in the front garden area of the Thatched Inn.		
Site:	The Thatched Inn, Grand Avenue, Hassocks, West Sussex, BN6 8DH, , ,		
Validation Date	2 Jul 2025	Overall Expiry Date:	28 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	27 Aug 2025
Target Date:	27 Aug 2025	Recommending Officer Signature:	<i>Andrew Clarke</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	27 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1646

**The Thatched Inn, Grand Avenue, Hassocks, West Sussex, BN6 8DH, ,
Retrospective Application to retain a raised timber decking structure installed in the front garden
area of the Thatched Inn.
James Fitzgerald**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC EHO - No objection

HASSOCKS PARISH COUNCIL OBSERVATIONS

No objection

INTRODUCTION

The application seeks permission for the retention of raised timber decking to the front / side of a pub. The decking is complete and the application is made under s.73A of the Town and Country Planning Act 1990

RELEVANT PLANNING HISTORY

There is no planning history relevant to the determination of this application.

SITE AND SURROUNDINGS

The site is within the planning unit of a large public house situated on a prominent site on the eastern edge of Hassocks. The main public house is a large two storey building with open car parks to the north and east and pub garden to the west and south. The site has low boundary treatment to the north and east making is highly prominent in the street scene and an important feature of the area.

The surrounding area is predominantly residential with properties at a single and two storey level. To the immediate east of the site lie open fields which are within the South Downs National Park. The site is therefore within the setting of the National Park.

APPLICATION DETAILS

The application seeks permission to retain an area of wooden raised decking to the south-east corner of the site. The decking extends the pub garden area by approximately 80 square metres with the decking 8m in depth and 10m in width. By virtue of the slight slope across the car parking area the decking is at its highest point approximately 0.7m high with 1m high wooden railings around. The decking forms part of the pub garden and does not benefit from any lighting or different use to the remainder of the pub garden.

The development is complete and in use and the application is made under s.73A of the Town and Country Planning Act 1990.

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 Hassocks 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:

- DP18 - Setting of South Downs National Park
- DP21 - Parking
- DP26 - Design
- DP29 - Noise / light pollution

Site Allocations DPD

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

There are no relevant policies.

Hassocks Neighbourhood Plan

The Hassocks Neighbourhood Plan was made in 2020.

Relevant policies:

- Policy 6 - Setting of South Downs National Park

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:

DPC5: Setting the South Downs National Park

DPB1: Character and Design

DPT4: Parking and Electric Vehicle Charging Infrastructure

DPN7: Noise Impacts

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

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

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

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

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

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

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

National Planning Policy Guidance

Paragraph 98 - *'To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments'

Paragraph 198 - *'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. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'*

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;

- o Design and Impact on the character and appearance of the area, including the setting of the South Downs National Park
- o Parking
- o Impact on Residential Amenity
- o Planning Balance and Conclusion

Design and Impact on the character and appearance of the area

Policy DP18 relates to the setting of the National Park and states:

Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.

The decking lies to the south-east corner of the plot and is highly visible from within the site and from the highway in front. There are also views of the decking from the fields to the east which lie within the National Park.

The decking is of solely timber construction and lies within the existing planning unit and developed area of the site. It does not protrude forward of the building line set by the neighbouring property at 81 Ockley Lane.

The site is already in use as a pub and there is no additional lighting on the decking. The decking is a of high quality construction and which does not detract from the character and appearance of the area and seeks to support a local business. The design of the development is therefore acceptable and has a neutral impact on the setting of the South Downs National Park.

Parking

In order to facilitate the construction of the decking, two off-street parking spaces were lost. The pub retains a substantial parking area with in excess of 20 spaces available to patrons and whilst not wholly compliant with West Sussex County Council Parking Standards, the proposal is compliant with the requirements of policy DP21 of the District Plan in providing adequate parking provision and there is no evidence that the development has resulted in issues relating to on-street parking on the surrounding roads. The development is therefore not considered to cause a risk to highway safety through the reduction in parking provision.

Neighbour Amenity

The site lies immediately adjacent to the residential property at 81 Ockley Lane. The land immediately to the south of the decking is the parking area for the property and is not their primary amenity space.

Policy DP26 of the District Plan states the development can be supported providing it:

'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);'

Policy DP29 goes on to state:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;

o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;'

No objections have been received from the Council's Environmental Protection Officers and no comments have been received from the directly affected neighbours.

The decking has a high fence to the south (approx. 2m in height) which prevents overlooking into the neighbour property and acts as a partial acoustic barrier to noise from the decking. There is therefore no overlooking from the decking. The entire length of the southern boundary of the pub garden lies adjacent to the garden of number 81 and therefore the garden is already affected by noise from the pub garden. The decking does not change or significantly alter that situation with the area adjacent to the decking not primary amenity space for number 81 and therefore in respect of the impact upon neighbour amenity, there is little to no change to the current situation.

The new fence is in excess of 2m high when measured from number 81 but acts as a means of screening the development and replaced a similarly high fence and noting that it faces onto a parking

area and not the main amenity space for the property, would not be considered overbearing or have any detrimental impact on amenity.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This planning permission is being granted on an application made under Section 73a of the Town and Country Planning Act 1990 and this application is therefore exempt from the requirement to provide 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 Hassocks Neighbourhood Plan.

The development is a well designed expansion of the garden area of an existing pub and due to its siting and mitigating fencing does not cause harm to the amenity of residential neighbours. The loss of the parking spaces is noted but noting the extensive parking area it has no detrimental impact on highway safety or on-street parking provision. The site is prominent and within the setting of the South Down National Park but is well designed and has a neutral impact upon the character and appearance of the area and National Park and does not harm the tranquillity or dark skies area associated with the National Park.

The development therefore complies with policies DP18, DP21, DP26 and DP29 of the Mid Sussex District Plan, policies 6 and 9 of the Hassocks Neighbourhood Plan and the contents of the National Planning Policy Framework.

Decision: Permission

Case Officer: Andrew Clarke