

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0134	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	(Retrospective) Erection of a 7.2m x 4.4m freestanding single storey outbuilding with 600mm overhang to the front, located in the rear garden of the property, 2.5m at the highest point, with internal floorspace under 30m².		
Site:	Highway, Cansiron Lane, Ashurst Wood, East Grinstead, West Sussex, RH19 3SD, ,		
Validation Date	24 Feb 2025	Overall Expiry Date:	17 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	16 Apr 2025
Target Date:	21 Apr 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	17 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0134

**Highway, Cansiron Lane, Ashurst Wood, East Grinstead, West Sussex, RH19 3SD,
(Retrospective) Erection of a 7.2m x 4.4m freestanding single storey outbuilding with 600mm
overhang to the front, located in the rear garden of the property, 2.5m at the highest point, with
internal floorspace under 30m².**

Ms Rebecca Wheatley

SUMMARY OF REPRESENTATIONS

Heatherlands has commented that the private driveway to the side of the application dwelling is shown on the plans as Cansiron Lane rather than a private driveway. They have also stated that restrictive covenants prevent the building being used for business purposes.

SUMMARY OF CONSULTEES

MSDC Tree Officer: No objection as retrospective application.

Southern Water: No objection

ASHURST WOOD VILLAGE COUNCIL OBSERVATIONS

No objection

INTRODUCTION

Retrospective planning permission is sought for an outbuilding within the rear garden.

RELEVANT PLANNING HISTORY

GR/074/91 - Rebuild single garage and infilling one door opening of double garage. (approved)

SITE AND SURROUNDINGS

Highway is a detached pitched roofed bungalow, the walls are brickwork and painted render, mix of timber and aluminium doors and windows. The built outbuilding is characterised by flat roofed cedar cladding with aluminium doors and windows.

It is sited on the south-east of the rear garden.

To the south of the site is the rear garden with woodland to neighbouring Greenworld beyond, to the north of the site is the driveway to highway beyond, to the east of the site is the wall and woodland to highway (serving neighbouring Greenworld, Tangletrees and Heatherlands beyond) and to the west is the adjacent Forest View.

The site is within the countryside and within the High Weald AONB.

APPLICATION DETAILS

The outbuilding measures 4.4m in depth, 7.2m in width with a maximum height of 2.5m. It serves a home office/gym.

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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and Ashurst Wood 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:

DP12 - Protection and enhancement of countryside

DP16 - High Weald Area of Outstanding Natural Beauty

DP26 - Character and design

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.

Ashurst Wood Neighbourhood Plan

The Ashurst Wood Neighbourhood Plan was made on 30 June 2016.

Relevant Policies:

ASW1 - Protection of the Countryside

ASW14 - Design and Character

None relevant

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

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:

DPC1 - Protection and Enhancement of the Countryside

DPC4 - High Weald of Outstanding Natural Beauty

DPB1 - Character and Design

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.

The High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131, 135 and 189 are considered to be relevant to this application.

Protection and Enhancement of the Countryside

DP12 of the Mid Sussex District Plan in part states:

'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.'*

ASW1 of the Ashurst Wood Neighbourhood Plan has a similar ethos.

Given the domestic nature and location of the building, it is therefore considered to protect the intrinsic character and beauty of the countryside.

Due to the above, the building complies with DP12 of the Mid Sussex District Plan and ASW1 of the Ashurst Wood Neighbourhood Plan .

Character and Design

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:

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

ASW14 of the Ashurst Wood Neighbourhood Plan has a similar ethos and states:

' All new development (including extensions and additions to individual properties) must demonstrate good quality design and respect the existing character and appearance of the surrounding area. All proposals will be expected to identify how they address the local surroundings and landscape context by:

- (a) Using design that respects the scale and character of existing and surrounding buildings with reference to the Character Assessment; and*
- (b) Demonstrating that the design of the particular development has addressed and protected the positive features of the character of the local area; and*
- (c) Using materials which are compatible with the materials of the host or surrounding buildings; and*
- (d) Respecting established building lines where relevant and using green hedging and / or trees for highway boundaries wherever possible and in keeping with the existing streetscape; and*
- (e) Ensuring safe access for pedestrians, cyclists and other road users; and*
- (f) Providing adequate refuse and recycling storage incorporated into the scheme to minimise visual impact; and*
- (g) Adopting the principles of sustainable drainage where appropriate; and*
- (h) Providing private garden amenity space proportionate to the size of the dwelling; and*
- (i) Providing off-street parking space in accordance with Policy 21 and ensuring that garages reflect the architectural style of the house they serve and are set back from the street frontage wherever possible to reflect the local character and context. Parking should be positioned between dwellings, rather than in front, so it is not prominent in or does not dominate the street scene to the detriment of local character; and the visual impact of parking areas should be minimised wherever possible by the use of alternative surfaces and screening; and*
- (j) Ensuring that the living conditions of adjoining residents (including privacy, daylight, sunlight and outlook) are safeguarded; and*
- (k) Ensuring that lighting schemes will not cause unacceptable levels of light pollution particularly in intrinsically dark areas'*

The design and scale of the outbuilding is considered to be sensitive to the character of the dwelling. The materials reflect the incidental nature of the building. It is not visible from the streetscene and is of a design sympathetic to the rural location.

Given the size of the outbuilding relative to the rear garden, it cannot be seen as overdevelopment.

Therefore, the outbuilding complies with Policy DP26 of the District Plan, Policy ASW14 of the Neighbourhood Plan, the design principles of the Mid Sussex Design Guide, and the relevant paragraphs of the NPPF.

Impact on 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 is 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.

Policy 16 of the District Plan requires proposals in the AONB to conserve or enhance natural beauty. Paragraph 189 of the NPPF is also relevant. This states, in part:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.'

The outbuilding is modest in its nature and its design and character is considered to be suitable for this rural location. As such it would not have any adverse impact on the landscape quality of the AONB and it complies with the requirements of policy DP16 of the District Plan, High Weald AONB Management Plan 2024-2029 and paragraph 189 of the NPPF as the character of the AONB would be conserved.

Impact on Neighbouring amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states that it must be demonstrated that any 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.

Policy ASW14 of the Ashurst Wood Neighbourhood Plan in part states:

'(j) Ensuring that the living conditions of adjoining residents (including privacy, daylight, sunlight and outlook) are safeguarded'

There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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. As such, policy DP26 is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Given the nature of the outbuilding, neighbouring amenities are not deemed to be harmed to a significant extent. Therefore, in terms of neighbouring amenities, the proposal complies with policies DP26 of the Mid Sussex District Plan and ASW14 of the Ashurst Wood Neighbourhood Plan.

Other

Concerns has been raised as to restrictive covenants in terms of the business use within the site, it is noted that the building is being used as a garden office/gym and therefore would not require any conditions to restrict use. Any future change to business use would in terms of legal covenant requirements be a private matter.

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 is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the outbuilding is appropriate in terms of design, and does not negatively impact on the wider appearance of this property, its countryside location, its immediate setting, or the High Weald Area of Outstanding Natural Beauty and will not harm neighbouring amenities.

It therefore complies with Policies DP12, DP16 and DP26 of the District Plan, ASW1 and ASW14 of the Ashurst Wood Neighbourhood Plan, the MSDC Design Guide, The High Weald Area Management Plan and the requirements of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell