

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0033	Case Officer:	Peter Davies
Application Type:	Householder Application		
Proposal:	The proposal is to erect a pre-fabricated aluminium pergola in the South West corner of the rear garden.		
Site:	2 Turners View, Cuckfield, Haywards Heath, West Sussex, RH17 5SW, , ,		
Validation Date	13 Jan 2025	Overall Expiry Date:	7 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	7 Mar 2025
Target Date:	10 Mar 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Joanne Fisher	Date:	10 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0033

2 Turners View, Cuckfield, Haywards Heath, West Sussex, RH17 5SW, ,
The proposal is to erect a pre-fabricated aluminium pergola in the South West corner of the rear garden.
Mr Nigel Murphy

REPRESENTATION RECEIVED

One letter of representation was received in support of the proposal from no. 4 Turners View. A summary of these comments are:

- Is not harmful to the amenity of the Hanlye View development.
- The materials and finishes are similar to the dwellings fenestration and match the finish of neighbouring garden rooms on the adjacent plots.
- Be of a similar height and size to the existing garden rooms on neighbouring plots.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

The application seeks planning permission for the construction of a prefabricated aluminium pergola.

RELEVANT PLANNING HISTORY

DM/21/3755 - Demolition of buildings and erection of 13 dwellings along with parking and landscaping. Amended plans received 21/2/2022 showing retention of trees 6, 15, 21, 23 and 25, re-positioning of plot 9, amendments to boundary of plots 1-3, changes to internal layout of plots, relocation of home office to plot 7, amended fence line, removal of shared footpath to secondary road as well as submission of addendum to Transport Statement, updated Road Safety Audit and landscape masterplan. Permission

SITE AND SURROUNDINGS

The application property is a detached two-storey dwelling located within a small new build development on the south side of Hanle Lane. The property is located within the countryside as defined in the District Plan.

The application property is constructed from brick with timber cladding at first floor level, plain roof tiles and anthracite fenestration. The dwelling has off street parking to the side. The locality is characterised by detached dwellings of a similar form, scale and design to the east, west and south, with the highway to the north and agricultural land further past the highway.

APPLICATION DETAILS

The application seeks planning permission for a prefabricated aluminium pergola within the rear garden at the southwest corner of the plot. The pergola will have width and depth of 6.0 metres and 3.0 metres. The pergola will have a flat roof with a height of 2.50 metres and be anthracite colour. The pergola would have fully retractable side screens to each side and roof louvres which can be adjusted from open to closed. There will be hard surfacing covering the footprint of the pergola and extending 0.50 metres around each side. The hard surface will be anthracite composite decking sitting at ground level.

Permitted development rights have been removed in application DM/21/3755 and therefore planning permission is required.

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 Cuckfield 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
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.

Cuckfield Neighbourhood Plan (made May 2014)

Relevant policy:

Policy CNP1 - Design of New Development and Conservation.
Policy CNP5 - Protect and Enhance the Countryside
Policy CNP10 - Building Extensions Within and Outside the Built Up Area Boundary

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 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
DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
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.

National Planning Policy Framework (NPPF) (December 2024)

Paragraphs 8, 11, 131 and 135 are considered to be relevant.

ASSESSMENT

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

- Design and impact on the character of the area
- Impact on neighbouring properties
- Biodiversity Net Gain

Design and impact on the character of the area

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.'*

Policy DP26 of the Mid Sussex 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;*
 - *protects valued townscapes and the separate identity and character of towns and villages;*
 - *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 DP27);*
 - *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
 - *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
 - *positively addresses sustainability considerations in the layout and the building design;*
 - *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- optimises the potential of the site to accommodate development.'*

Policy CNP1 of the Cuckfield neighbourhood Plan states:

'New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
 - i. height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
- b) Is sympathetic to the setting of any heritage asset and*
- c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) Makes best use of the site to accommodate development.'*

Policy CNP5 of the Cuckfield neighbourhood Plan states:

'Outside of the Built up Area Boundary, priority will be given to protecting and enhancing the countryside from inappropriate development. A proposal for development will only be permitted where:

- a) It is allocated for development in Policy CNP 6 (a) and (b) or would be in accordance with Policies CNP 10, CNP 14 and CNP 17 in the Neighbourhood Plan or other relevant planning policies applying to the area, and*
- b) It would not have a detrimental impact on, and would enhance, areas identified in the Cuckfield Landscape Character Assessment (summarised in Table 1) as having major or substantial landscape value or sensitivity, and*
- c) It would not have an adverse impact on the landscape setting of Cuckfield and d) It would maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built up area, in particular those defined on Map 5, and*
- e) Within the High Weald Area of Outstanding Natural Beauty it would conserve and enhance landscape and scenic beauty and would have regard to the High Weald AONB Management Plan.'*

The proposed pergola is of an acceptable scale and design and would be sited at the back of the plot. The materials are of a similar colour and finish to the existing fenestration of the dwelling. The pergola would only be marginally viewable from the highway over the existing boundary fences of neighbouring properties however would not have a harmful impact on the character of the area.

The proposal is therefore considered to comply with policies DP12 and DP26 of the District Plan and policies CNP1 and CNP5 of the Cuckfield Neighbourhood Plan.

Impact on neighbouring properties

In terms of neighbouring amenities Policy CNP10 of the Cuckfield Neighbourhood Plan states that proposals should "safeguard" adjoining neighbours amenity in terms of privacy, daylight, sunlight and outlook whereas policy DP26 of the Mid Sussex District Plan states that development should 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. 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. Consequently, policy DP26 of the Mid Sussex District Plan 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.

The proposed pergola is sited up to the boundary with nos. 1, 3 and 8 Turners View marked by close board fencing. The pergola is of a modest scale and will not result in overlooking into neighbouring

amenity areas or create significant harm to the amenities of these neighbours in terms of outlook, daylight and sunlight, and noise, air and light pollution.

Whilst the pergola is to be higher than the boundary treatment, it is considered that this would not result in an overbearing impact to the amenities of the neighbouring properties.

Therefore, there will be no significant harm to neighbouring amenity areas and complies with policy DP26 of the Mid Sussex District Plan.

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 proposal is considered to be acceptable in terms of design, size and scale to the dwellinghouse and would not cause significant harm the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policies DP12 and DP26, policies CNP1, CNP5 and CNP10 of the Cuckfield Neighbourhood Plan and with the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Peter Davies