

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2463	Case Officer:	Anna Tidey
Application Type:	Householder Application		
Proposal:	Dropped Kerb and new vehicular access and hard standing.		
Site:	1 Highfields, Lewes Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7DY, ,		
Validation Date	3 Feb 2025	Overall Expiry Date:	25 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	7 Mar 2025
Target Date:	31 Mar 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Joanne Fisher	Date:	10 Mar 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2463

**1 Highfields, Lewes Road, Horsted Keynes, Haywards Heath, West Sussex, RH17 7DY,
Dropped Kerb and new vehicular access and hard standing.
Robert Cook**

SUMMARY OF REPRESENTATIONS

Two representations received from the neighbouring resident, which contain the following points:

- Raises concerns that the application may affect land at 2 Hamsland Cottages as well as land controlled by the Council/Highway Authority.
- No notification or request for access has been received for 2 Hamsland Cottages.
- Photos of dying Elder tree (to be removed) relative to the boundary.
- The position of the boundary was made unclear at the time of the site visit by the removal of a portion of the boundary fence between No 2 Hamsland Cottages and the highway by the applicant. These are now re-established as they have been for over 20 years.
- The access to the highway will need to be closer to the road junction than indicated in the proposal.
- Further boundary details provided in measurements, plans and photographs.

SUMMARY OF CONSULTEES

MSDC Tree Officer

I have reviewed the tree report for this application and have no objection.

WSCC Highways

This application seeks the provision of a dropped kerb to form a new vehicular access with hardstanding. The site is located on Lewes Road, a C-classified road subject to a speed restriction of 30 mph in this location.

A 3m wide dropped kerb is proposed on Lewes Road to serve the site. Existing hedging is proposed to be removed, providing suitable vehicular and pedestrian visibility either side of the proposed access point. The proposed hardstanding appears of suitable size to accommodate at least two off-street parking spaces, and on-site turning appears achievable.

The proposed access works will be subject to a licence obtained through the local WSCC Highway Area Office, and constructed to a specification agreed with the local WSCC Highway Area Engineer.

I note that the plans demonstrate the removal of a tree located within the maintained highway boundary. Current WSCC Highway Area Office Application Criteria stipulates that applications requiring the removal of a healthy, well established highway tree are likely to be refused a licence.

Even if the tree were to be retained, a minimum Root Protection Area would need to be left undisturbed, and it is unclear if this would be achievable with the current proposed access arrangement. As such, further dialogue may be needed between the applicant and the Area Office to discuss the suitability of the proposals, because at present it would appear that the proposals are unlikely to be granted a licence for the works.

To summarise, 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 115), and that there are no transport grounds to resist the proposal.

However, the proposals are contrary to WSCC Highway Area Office Application Criteria, and are unlikely to be granted a licence for the proposed access works.

If the LPA are minded to approve the application, an informative regarding the need to acquire a vehicle crossover licence is recommended.

Highways, Transport and Planning Highway Steward: No objections as long as the crossover is 10m from the (highway) junction.

TOWN/PARISH COUNCIL OBSERVATIONS

Horsted Keynes Parish Council: No objection, Committee were supportive of removing a car from on street parking.

INTRODUCTION

This application seeks planning permission for the formation of a dropped kerb off Lewes Road to allow the creation of a new vehicular access and hard standing to the front of a semi detached house located at 1 Highfields in Horsted Keynes.

RELEVANT PLANNING HISTORY

HK/016/89. Single storey extension including conservatory, new room in loft, new carport. Approved July 1989.

SITE AND ITS SURROUNDINGS

No 1 Highfields is a semi detached house, located on the eastern side of the Lewes Road and Sugar Lane road junction in the village of Horsted Keynes.

The house lies at the northern end of a row of similarly designed houses which are set back from the road. Within the row the majority of the houses are served by front drives with frontage parking areas within the front gardens.

Due to the position of No 1 Highfields, the house does not benefit from a front driveway, but has a rear access drive located off the adjacent road at Hamsland, which serves a separate driveway and a detached garage building, located between the houses at Nos 1 and 2 Hamsland. The garage is accessible from the rear garden of the house at No 1 Highfields.

The front and side boundaries of the front garden at No 1 are enclosed by a hedge, which includes a coppiced hazel. Within an area of hedging to the side boundary with the adjacent house at 2 Hamsland Cottages there is a dead/dying and poorly formed Elder tree.

The site is located within the built up area boundary of the village, and the High Weald AONB.

APPLICATION DETAILS

This application seeks planning permission for the formation of a dropped kerb and a new vehicular access drive off Lewes Road, crossing the pedestrian path to allow access for cars to a new frontage parking area in the front garden to serve the house at No 1 Highfields.

The position of the proposed vehicular access point is a minimum of 11m (approx.) from the adjacent highway junction. There is a gentle rise in the land level from the road into the front garden at No 1.

The submitted plans show the proposed L shaped parking area in the front garden to be a maximum of 10m deep by 10m wide to accommodate space for 2 cars to park off road, with turning space. The hard surfaced area will extend to within 0.5m of the northern and southern garden boundaries.

This provision will require a section of boundary hedge (<5m wide) to be removed and the felling of the Elder tree. The submitted layout plan shows two other smaller trees, which are sited close to the house, are to be retained.

The submitted application form details that the crossover from the property boundary to the public footpath is to be constructed in tarmac with the parking area constructed in a permeable/porous material.

During the course of determining the application a supporting Tree Report has been submitted. Advice has been sought by the applicant from the local Highways, Transport and Planning Highway Steward regarding the likely success of an application for a Vehicle Crossover Licence for the proposed works. Their comments are reported above.

An amended plan has been received during the course of the application to revise the red line boundary. This shows the position of the proposed access point extending to the highway boundary and includes the land affected by the proposed development that falls outside of the garden of No 1 Highfields.

The applicant has provided supporting photographs to illustrate the measurements of the proposed access and cross over into the site from the highway.

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 Allocations DPD and the Horsted Keynes 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:

DP16 High Weald Area of Outstanding Natural Beauty

DP21 Transport

DP26 Character and design

DP37 Trees, Woodland and Hedgerows

Site Allocations Development Plan Document

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

There are no policies deemed relevant to this application.

Neighbourhood Plan

Horsted Keynes Neighbourhood Plan - made May 2023

Policy HK1 Location of New Development

Policy HK4 Maintaining Local Character and Good Quality Design

Policy HK5 Infill Development and Domestic Extensions

Policy HK9 The High Weald AONB

Policy HK10 Protection and Improvement of Natural Habitats

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:

DPN4 Trees, Woodland and Hedgerows
DPC4 High Weald AONB
DPC6 Ashdown Forest SPA and SAC
DPB1 Character and Design
DPT4 Parking and Electric Vehicle Charging Infrastructure

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.

West Sussex County Council Guidance on Parking at New Developments - September 2020

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

National Planning Policy Framework (NPPF) (December 2024)

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 upon the character of the area and the High Weald AONB
- Impact on residential amenities
- Impact upon the tree
- Highways and parking
- Biodiversity Net Gain

Design and Impact upon the character of the area and the High Weald AONB

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 DP16 of the District Plan relates to the High Weald AONB and requires proposals to '*conserve or enhance natural beauty*'.

A similar ethos is found in policy HK9 of the Neighbourhood Plan.

Paragraph 189 of the NPPF states:

'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.'

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. The wording of Policy DP26 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 DP29);*
- * 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.'*

Neighbourhood Plan Policy HK4 refers to design in new development. This states:

'All development should maintain the distinct local character and demonstrate good quality design. This means recognising the significance of the village setting, responding to it, and integrating with local surroundings and landscape context as well as the existing built environment and in particular:

- o achieving high quality design that respects the scale, bulk and character of existing and surrounding buildings; and*
- o ensuring proposals relate to established plot widths within streets where development is proposed, particularly where they establish a rhythm to the architecture in a street; and*
- o using good quality materials that complement the existing palette of materials used within Horsted Keynes; and*
- o demonstrating where possible innovation to achieve low carbon sustainable design (as per policy HK11); and*
- o adopting the principles of sustainable urban drainage, where applicable (as per policy HK12); and*
- o respecting the natural contours of the site and protecting and sensitively incorporating well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site; and*
- o providing sufficient external amenity space, refuse and recycling storage and car and bicycle parking to ensure a high quality and well managed streetscape.*

New, improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community.'

The proposal will result in a new area of hardstanding at the front of No 1 Highfields. This will be located next to the garden of No 2 Hamland Cottages, which also contains off road parking space on an area of hardstanding and the attached house at No 2 Highfields, which also benefits from a driveway with off road parking at the front of the house. The remaining houses in the row have similar front drives and parking provision to the front.

It is considered that the proposed construction materials that will be used for the access and parking area provision (tarmac and porous surfacing materials) will be appropriate. A planning condition can require submission of the materials for approval before works commence to ensure that these materials accord with the appearance of this part of the village. The principle of the development is therefore accepted.

The proposed removal of a short section of boundary hedge and the formation of an angled vehicular access drive into the new parking area, sited within the front garden of the house will represent a minor change in the overall appearance of the site frontage. The majority of the frontage hedge will be retained and therefore the wider character and visual appearance of the house at No 1 will be preserved.

The siting and appearance of the proposed works are considered to accord with the aims of Policies DP16 and DP26 and Policies HK4 and HK9 of the Neighbourhood Plan.

Impact on residential amenities

District Plan Policy DP26 and Neighbourhood Plan Policy HK5 are relevant in the determination of this application with regards to the impact of the changes on residential amenities. There is a conflict in the phrasing of these policies. District Plan Policy DP26 requires 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.'* In contrast Neighbourhood Plan Policy HK5 requires: *'...there is no unacceptable harm to the amenity of adjoining residents in respect of access, noise, privacy, daylight, sunlight and outlook is retained'.*

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 HK5 of the Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.

In addition Principle DG45 in the Design Guide refers to the need to consider privacy between new and existing developments, which includes the relationship of parking, gardens, front defensible space, etc with adjacent buildings.

The nearest neighbouring properties are the attached semi-detached house at No 2 Highfields, to the south, and No 2 Hamland Cottage to the north. Both adjacent properties benefit from off road parking provision with vehicular access points allowing cars to leave the road to park on private driveways sited to the front of the dwellings.

It is considered that the formation of the new vehicular access at No 1 will not cause an unacceptable harm upon the neighbouring amenities. Rather than on street parking taking place outside No 1, close to the road junction, the proposed new access will facilitate off road parking to the benefit of the neighbours living nearby.

Whilst the readvertisement of the amended location plan has raised comments over the siting of the development relative to the boundary from the neighbouring resident it is considered that it has been demonstrated that the crossover and access can be accommodated on the site. The position of the access point relative to the road junction has not been altered as a result of the resubmitted Location

Plan, and is considered acceptable. Any boundary disputes between the neighbouring residents are a matter between the parties and cannot be taken into account in the determination of this application.

The proposal accords with the requirements of Policy DP26 of the District Plan, with Policy HK5 of the more up to date Neighbourhood Plan in respect of neighbouring amenities.

Impact upon the tree

District Plan Policy DP37 is relevant in the determination of the application. The relevant parts of this policy state:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:
o incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and
o prevents damage to root systems and takes account of expected future growth; and
o where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and
o has appropriate protection measures throughout the development process; and
o takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and
o does not sever ecological corridors created by these assets.

Proposals for works to trees will be considered taking into account:

o the condition and health of the trees; and
o the contribution of the trees to the character and visual amenity of the local area; and
o the amenity and nature conservation value of the trees; and
o the extent and impact of the works; and
o any replanting proposals.'

The front garden of No 1 Highfields is screened by boundary hedges and there is a poorly formed Elder tree growing on the boundary with the northern neighbour.

Reference is made in the comments from WSCC Highways regarding the removal of a tree located within the maintained highway boundary. Having reviewed historic photographs of the site it is understood that there were formerly some larger trees growing at the site, and these have felled and removed. The remaining Elder tree is unlikely to be growing in the highway boundary.

To address the concern that has been raised, and to fully assess the matter, a Tree Report has been submitted during the course of determining the application. The Tree Report states: *'The tree although visible from the road holds little to no amenity value with the tree being engulfed in Ivy. Besides for reason of driveway would recommend removing before causing damage to neighbouring property. Would recommend removal before bird nesting season due to possibly of nesting birds in Ivy.'* This report has been assessed by the Council's Tree Officer who has raised no objection.

The submitted Tree Report has been reviewed and it is considered appropriate to remove the Elder tree in this case. The proposal will therefore accord with the aims of District Plan Policy DP37.

Highways and parking

Policy DP21 of the District Plan relates to transport and seeks in part:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011- 2026, which are:

- o A high quality transport network that promotes a competitive and prosperous economy;*
- o A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- o Access to services, employment and housing; and*
- o A transport network that feels, and is, safer and healthier to use.'*

The proposed enlargement to the vehicular access point will alleviate on road parking pressures on this part of Lewes Road, close to the road junction. The provision of off road parking will allow the safe use of the proposed front hardstanding area for the occupants and visitors to the dwelling. This would accord with the aims of District Plan Policy DP21.

WSCC Highways Authority considers that the proposal would not unacceptably impact on highway safety and raise no transport grounds to resist the proposal.

They recommend an informative is attached to an approval to make the applicant aware of the need to acquire a vehicle crossover licence, and this matter has already been investigated with the local Highways, Transport and Planning Highway Steward. He has raised no objections, providing the crossover is sited 10m from the (highway) junction, which has been confirmed to be the case.

It is considered that the highway access improvements will accord with the aims of District Plan Policy DP21, and therefore the application is supported.

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

The creation of a new vehicular access and parking area will reflect the existing arrangements serving the other houses along Lewes Road which have similar front drives and parking provision. The proposal is considered to be appropriate to the character of the area and conserve this part of the High Weald AONB. It is considered that the formation of the new vehicular access at No 1 will have no unacceptable harm to the amenity of adjoining residents.

The appearance of the proposed works are considered to accord with the aims of Policies DP16 and DP26 and Policies HK4, HK5 and HK9 of the Neighbourhood Plan, the High Weald AONB Management Plan and the requirements of the NPPF.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey