

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1884	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Repairs and improvements to the fenestration of 83 High Street, including repair and redecoration of all existing timber joinery, double-glazed panes fitted to existing frames, replacement lead roofing and timber cladding, re pointing of brickwork, roofing repairs, and replacement rainwater goods. Repair and Improvements to the rear outbuildings, to include re-roofing and roofing repairs, and repair and redecoration of timber joinery. Removal of the existing dilapidated timber outbuilding. Rebuilding of partially-collapsed existing garden wall.		
Site:	Abbotts Pharmacy, 83 High Street, Lindfield, Haywards Heath, West Sussex, RH16 2HN, ,		
Validation Date	23 Jul 2025	Overall Expiry Date:	9 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	2 Oct 2025
Target Date:	17 Sep 2025	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	2 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1884

Abbotts Pharmacy, 83 High Street, Lindfield, Haywards Heath, West Sussex, RH16 2HN, Repairs and improvements to the fenestration of 83 High Street, including repair and redecoration of all existing timber joinery, double-glazed panes fitted to existing frames, replacement lead roofing and timber cladding, re pointing of brickwork, roofing repairs, and replacement rainwater goods. Repair and Improvements to the rear outbuildings, to include re-roofing and roofing repairs, and repair and redecoration of timber joinery. Removal of the existing dilapidated timber outbuilding. Rebuilding of partially-collapsed existing garden wall. Mr And Mrs R And S Shepherd

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Conservation Officer

83 High Street is one half of an unlisted building in a prominent position on Lindfield High Street, within the Conservation Area. The building, which has a symmetrical composition with twin gables addressing the High Street, dates from the 19th century, and retains a number of period features including sash windows and what appears to be an early 20th century shopfront. Adjacent to the site to the north is the Manor House, a II* listed building. The associated separately Grade II listed red brick gazebo which sits on the High Street frontage of the house is attached to the northern side elevation of no. 83.

The current proposal is for a variety of works to the building, including repairs to the façade including repair and redecoration of timber joinery, replacement lead roofing to the canopy above the shopfront, like-for-like replacement of timber cladding above the bay window at first floor, and like-for-like replacement of rainwater goods. To the rear elevation repairs to a dormer window and like-for-like replacement of an existing soil vent pipe are also proposed. To the roof of the building repairs to the existing covering including replacement of missing tiles are proposed. These works are not considered contentious.

The proposal also includes other works applying to the building as a whole, including cleaning and repointing of brickwork, and works to the existing windows:

- The proposed cleaning of brickwork is not considered contentious in principle, but details of the proposed method should be submitted, as some methods (such as sand blasting) can be abrasive and damaging to historic masonry. The repointing is likewise not contentious, subject to detail.
- To the existing windows, it is proposed as a first alternative to repair and introduce slim-line double glazing within the existing, retained sash and casement frames. The submitted DAS and Heritage Statement makes it clear that functional glazing bars would be retained. This is not considered contentious. However, the DAS also mentions that if windows are found to be beyond repair, replacements would be introduced (8.4). Whilst again I would not consider this contentious where existing windows cannot be retained, I am not sure how in procedural terms an application can be determined with this lack of certainty as to the works which are to take place? A more detailed condition survey at this stage may be required, so that the drawings and supporting information can be revised to indicate which windows can be retained and which will be replaced. I would however be guided by you as Case Officer on this point.

Within the rear garden of the property, similar repairs, and alterations to the existing windows are proposed to two existing brick-built outbuildings. To one building, which has a mono-pitch asbestos roof, it is proposed to replace the asbestos sheeting with dark coloured profiled metal sheeting. This work is not considered contentious.

It is also proposed to repair and rebuild an existing partly collapsed brick boundary wall, which is welcomed, and to remove a dilapidated timber outbuilding, which is not considered contentious.

In summary, the principle of the works is not considered contentious, and the sympathetic repair of the main building, outbuildings to the rear and boundary wall is welcomed. However, further information is required in respect of the method of brick-cleaning, as well potentially as clarity with respect to the extent of the potential replacement of windows proposed.

Subject to the above the proposal is considered to preserve the character and appearance of the Conservation Area, and the setting of the Manor House, meeting the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF.

Tree Officer

No objection.

PARISH COUNCIL OBSERVATIONS

Lindfield Parish Council has no objection to this application, subject to the Conservation Officer's satisfaction.

INTRODUCTION

The application seeks planning permission for repairs and improvements to the fenestration repair and improvements to the rear outbuildings, removal of the existing dilapidated timber outbuilding and the rebuilding of partially-collapsed existing garden wall.

RELEVANT PLANNING HISTORY

04/02417/COU- Consulting and treatment rooms in the unoccupied maisonette above the Chemist. Withdrawn.

05/00231/COU- Change of Use of upper floors to consulting rooms. Permission.

05/02210/ADV- 1 fascia sign and a hanging projecting sign. Permission.

SITE AND SURROUNDINGS

The application property is an unlisted three-storey terraced property. It is constructed of red brick, with white fenestration and a plain tile roof. The building is half of a symmetrical pair, with twin gables facing the High Street. The property appears to retain several original features, including sash windows and what appears to be a 20th century shopfront. At ground floor the property operates as a pharmacy. The property benefits from a rear courtyard, which accommodates several outbuildings.

The property occupies a prominent position on Lindfield High Street, within the Conservation Area. Adjacent to the site to the north is the Manor House, a II* listed building. The associated, separately Grade II listed, red brick gazebo which sits on the High Street frontage of the house is attached to the northern side elevation of no. 83. Highway is located to the east.

APPLICATION DETAILS

The proposal seeks permission to repair and repaint the existing timber barge boards on the front (eastern) elevation. This would be painted white to match the existing.

On the first floor, the proposal seeks to repair and repaint an existing bay window and roof over on the front (eastern) elevation and install double glazed panes and draught slips. The roof would be replaced with a like for like lead roof and shiplap cladding boards. All joinery would be painted white to match the existing. It is proposed to replace the existing sliding sash window on the rear (western) elevation and to repair and repaint the existing metal framed windows on the rear (western) elevation. In addition, the proposal seeks to repair and repaint the sliding sash window and to install double glazed panes and

draught slips on the side (northern) elevation. Next, it is proposed to replace an existing casement window and install double glazed frames and draught slips on the rear (western) elevation. This would be painted white to match the existing. In addition, the proposal seeks to install a new lead valley between the existing tiled roof (currently concealed) and the boundary wall. Finally, it is proposed to replace the existing shop window canopy on the front (eastern) elevation in lead, with traditional mopstick rolls.

On the second floor, the proposal seeks to repair and repaint the existing sliding sash window on the front (eastern) elevation and install double glazed panes and draught slips. It is also proposed to repair and upgrade the existing dormer window on the rear (western) elevation. In addition, the proposal also seeks to remove the existing cheek wall cladding and replace the lead dressing on the rear (western) elevation. Furthermore, it is proposed to install a double-glazed sliding sash window with a like for like replacement. All joinery would be painted white to match the existing. Finally, it is proposed to repair and repaint the existing casement window on the front (eastern) elevation.

The proposal seeks permission to replace the existing black painted cast iron rainwater goods on the front (eastern) elevation with like for like rainwater goods. In addition, it is proposed to replace the existing plastic rainwater goods on the rear (western) elevation with like for like rainwater goods. In addition, the proposal seeks to repair and repaint the existing timber fascia and soffit boards on the rear (western) elevation. This would be painted white to match the existing. Planning permission is sought to replace the existing black cast iron SVP with a like for like cast iron SVP and to fit a traditional cowl. Permission is sought to clean the chimney stack brickwork and to replace sand/cement fillet weathering details on the rear (western) elevation, front (eastern) elevation and side (northern) elevation with lead flashings. The proposal seeks to clean brickwork on the front (eastern) elevation and to allow for localised repointing using lime mortar.

Regarding the outbuildings to the rear and west of the application site, it is proposed to remove the existing timber outbuilding no.3 which adjoins the existing property. Planning permission is sought to repair the existing outbuilding no. 2 on the westernmost side of the site. The proposal seeks to replace the existing black plastic rainwater goods with like for like rainwater goods. It is also proposed to clean the elevation brickwork and allow for localised repointing in lime mortar. Planning permission is sought to replace the existing asbestos sheets with profiled metal roof sheeting. Finally, the proposal seeks to repair and repaint the existing timber cladding to match the existing timber joinery.

It is also proposed to re-roof the southernmost existing outbuilding no.1.

Regarding the existing boundary wall, it is proposed to rebuild the wall with new bricks to match the existing. This would be rebuilt to the height of the existing wall.

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) 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 Lindfield and Lindfield Rural 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:

DP26 - Character and Design

DP34 - Listed Buildings and Other Heritage Assets

DP35 - Conservation Areas

DP37 - Trees, Hedgerows and Hedgerows

Site Allocations DPD

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

Relevant policies.

Neighbourhood Plan

Lindfield and Lindfield Rural Neighbourhood Plan made in 2016.

Relevant policies:

Policy 3 - Small businesses

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

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:

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPB3 - Conservation Area
DPN4 - Trees, Hedgerows and Hedgerows

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 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/Code

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;

- Design and impact on heritage assets
- Impact on amenity
- Impact on Trees
- Biodiversity Net Gain

Design and impact on heritage assets

The site is located within the setting of the Lindfield Conservation Area, as designated in 1969. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '*In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that 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;*
- 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."*

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '*In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*'

MSDC District Plan policy DP34 states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o 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;*
- o 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;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o 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;*
- o Special regard is given to protecting the setting of a listed building;*
- o 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.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

Paragraphs 212 - 216 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.'

Policy DP26 of the Mid Sussex District Plan relates to Character and Design and 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 protects valued townscapes and the separate identity and character of towns and villages;

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 (see Policy DP27);
o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;
o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed; o positively addresses sustainability considerations in the layout and the building design;
o 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;
o optimises the potential of the site to accommodate development'.

Policy 3 of the Lindfield and Lindfield Rural Neighbourhood Plan relates to small scale business and states:

'Development proposals for small scale business uses on land within the built up area boundaries of Lindfield and Scaynes Hill, will be supported, provided the site is well located to the road network, the operations will not cause harm to the amenities of local residents, and the development proposals will have a low impact on the surrounding areas.

The application relates to the High Street within the built-up area boundary of Lindfield and within the Lindfield Conservation Area. It also lies within the setting of the Grade II* listed Manor House.

Planning permission is sought for repair and improvement to the fenestration, to repair and improve rear outbuildings, to remove an existing dilapidated timber outbuilding and to rebuild a partially-collapsed existing garden wall.

The Council's Conservation Officer was consulted on the application and has provided a response. They consider that the principle of the works is not considered contentious, and the sympathetic repair of the main building, outbuildings to the rear and boundary wall is welcomed. They requested that further details be provided regarding the method of brick cleaning and clarity regarding the extent of the potential replacement of windows proposed. Revised plans were subsequently provided which provided these details. The Conservation Officer has reviewed these plans and is satisfied that the proposal would preserve both the character and appearance of the Conservation Area and the setting of the adjacent listed building. These views are shared and agreed upon from a planning perspective.

The proposal is considered to preserve the character and appearance of the Conservation Area, and the setting of adjacent listed buildings, meeting the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF. It is also considered to be acceptable in design terms and would therefore accord with policy DP26 and Policy 3 of the Lindfield and Lindfield Neighbourhood Plan.

Impact on amenity

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 Policy DP29);"

To the north is the Manor House. Given that the proposal does not involve an increase in the built form and instead relates to repair and replacement works, it is not considered that the proposal would cause harm to the light and outlook of this neighbour. As no new windows are proposed on the side (northern) elevation, it is not considered that the proposal would give rise to significant overlooking concerns.

To the south is 81 High Street. Given that the proposal does not involve an increase in the built form and instead relates to repair and replacement works, it is not considered that the proposal would cause harm to the light and outlook of this neighbour. As no new windows are proposed on the side (southern) elevation, it is not considered that the proposal would give rise to significant overlooking concerns.

Due to the nature of the proposed development, it is considered that there would not be a harmful impact in terms of noise, air and light pollution.

It is therefore considered that the proposal would not cause harm to the amenities of neighbouring properties. The proposal is therefore deemed to accord with the above part of policy DP26 of the District Plan.

Impact on trees

Policy DP37 of the Mid Sussex Plan relates to trees and states:

'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.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

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 felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

There are four trees in proximity of the proposal. The Tree Officer was consulted on the application. Following the submission of further information stating that works would not affect the RPA of the trees, they have raised no objection to the proposal. The proposal is therefore considered to comply with policy DP37 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. Under the statutory framework for biodiversity net gain this application

comprises development below the de-minimis threshold 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 Lindfield and Lindfield Rural 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 proposal is considered to be appropriate in terms of design, size and scale to the building and locality, and would not cause harm to the setting of listed buildings, the Lindfield Conservation Area or to the amenities of neighbouring properties.

In conclusion, the proposal would accord with the requirements of policies DP26, DP34, DP35 and DP37 of the Mid Sussex District Plan, policy 3 of the Lindfield and Lindfield Rural Neighbourhood Plan and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin