

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2647	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	The retention of an existing temporary sales suite building together with the associated ancillary structures, to be used as a community facility with parking and landscaping		
Site:	Land East Of, Brighton Road, Pease Pottage, West Sussex, , , ,		
Validation Date	22 Oct 2025	Overall Expiry Date:	12 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 Dec 2025
Target Date:	17 Dec 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	3
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	15 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2647

Land East Of, Brighton Road, Pease Pottage, West Sussex, , ,
The retention of an existing temporary sales suite building together with the associated ancillary structures, to be used as a community facility with parking and landscaping

Thakeham Pease Pottage LLP

SUMMARY OF REPRESENTATIONS

There was a total of two representation letters received in response to the proposed development. One letter neither supported nor objected to the proposal but raised the following concerns:

- The plan showing more land being taken into account than the other plans submitted.
- The use of the land and access, including the footpath that cuts across Woodgate Green.

The other letter sought to support the proposal as the application would retain the current sales suite for community facilities.

SUMMARY OF CONSULTEES

Environmental Protection: *'Given the nature of the proposed use as a community hub, it is anticipated that amplified music will form only a small part of the overall activity. Subject to conditions, I would have no objection to the application.'*

West Sussex County Council Highways *'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 116), and that there are no transport grounds to resist the proposal.'*

'The LHA has been re-consulted on this application following the submission of a revised site plan. The revised plan appears to specify that the proposed cycle stands will be Sheffield stands. As per the LHA's previous comments dated 30th October 2025, it would be preferred that these be covered, to keep bicycles dry and to encourage sustainable transport methods. Details of this can be secured via condition, as advised below.'

Drainage: No comment.

Tree Officer: *'I have reviewed the AIA for this proposal and have no objection. Please do condition adherence to the TPP.'*

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No objection.

INTRODUCTION

The application seeks planning permission for the retention of the temporary sales suite building and associated structures. The proposal would change the use of this building into a community facility with associated parking and landscaping.

RELEVANT PLANNING HISTORY

DM/15/4711 - The phased development of approximately 600 dwellings (Use Class C3), (including affordable housing), 48 bed care facility (Use Class C2), Community building (Use Class D1), cafe (Use Class A3) and retail (Use Class A1), up to 1 form-entry primary school (Use Class D1), hard/soft landscaping including a noise bund/fence, infrastructure provision, creation of accesses and car parking. The application includes demolition of 2 dwelling houses, ancillary agricultural buildings, removal of waste facility and stopping up existing vehicular access (post construction). (additional information submitted 7th March 2016) AMENDMENT: "Additional information received - Environment Statement Volume 1 - Main Statement Addendum.". Permission 28.11.2016.

DM/15/4706 - Detailed permission sought for 156 dwellings (Use Class C3), care facility (Use Class C2), shop (Use Class A1), cafe (Use Class A3) and community building (Use Class D1) (additional information submitted 7th March 2016). Withdrawn 17.01.2017.

DM/17/1910 - Variation of condition number 19 of planning permission DM/15/4711 - to specifically remove the word 'mechanical' from the statement 'Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation'. Withdrawn 20.10.2017.

DM/17/4318 - Non material amendment to wording of condition 19 of planning application DM/15/4711, to remove the word 'mechanical' from the statement 'Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation'. Permission 14.11.2017.

DM/19/3576 - Variation of condition nos 2 and 24 of application DM/15/4711, to allow changes to the parameter plans and retention of the access off Brighton Road during construction. Withdrawn 01.10.2019.

DM/19/3549 - Reserved Matters application for the approval of the appearance, layout, scale and landscaping of Phase 3 pursuant to Outline Planning Permission DM/15/4711 comprising the construction of 186 dwellings, with associated access, parking, landscaping, infrastructure and earthworks. (Amended plans received 13th February 2020 showing changes to the design and layout of the scheme). Permission 14.07.2020.

DM/20/1714 - Non material amendment to DM/15/4711 for the addition of a new temporary condition to extend the working hours for construction activities on site from 0600 to 2100 (Monday to Saturday) to 13 May 2021. Withdrawn 09.07.2020.

DM/21/3770 - Non-Material amendment for planning application DM/19/3549 to allow for amended parking provision in respect of Plot 138 - to provide level access to house. Permission 22.11.2021.

SITE AND SURROUNDINGS

The application relates to an existing single storey sales suite set to the northern side of the road. The existing building is set back from the roadside edge by a grass verge and a pedestrian access to the building. There are some existing off road parking spaces associated with the building which appear to use brick paving to denote this space. An existing bin store is also positioned nearby the off road car parking spaces. The site is surrounded to the northern, eastern and western sides by open grassed space with an outdoor patio sitting area immediately to the north of the building. There are some existing mature trees to the west of the site. The existing building is composed of a low brickwork weatherboarded plinth, horizontal weatherboarding above to the walls, a PPC aluminium raised fold seam roof and PPC aluminium windows and doors.

With regard to policy constraints, the site is not set within any defined built up area boundary and is positioned within the High Weald Area of Outstanding Natural Beauty (National Landscapes).

APPLICATION DETAILS

The proposal seeks to retain the existing building and associated ancillary structures and to change the use of the building from a sales suite to a community facility. It is noted that the existing buildings

permission is temporary as granted under DM/21/1407 and expires on the 27th May 2026. The proposed use would help host cultural events and well-being activities including yoga and mindfulness classes.

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) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

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

- DP1: Sustainable Economic Development
- DP16: High Weald Area of Outstanding Natural Beauty
- DP21: Transport
- DP24: Leisure and Cultural Facilities and Activities
- DP25: Community Facilities and Local Services
- DP26: Character and Design
- DP29: Noise, Air and Light Pollution
- DP37: Trees, Woodland and Hedgerows
- DP39: Sustainable Design and Construction

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

Slaugham Neighbourhood Plan 2014-2031 (Made September 2019)

Relevant Policies:

Aim 2: Pease Pottage: Community Facilities

Aim 8: Parking

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:

DPS1 - Climate Change

DPS2: Sustainable Design and Construction

DPH12 - Accessibility

DPS2 - Sustainable Design and Construction

DPS6 - Health and Wellbeing

DPN4 - Trees, Woodland and Hedgerows

DPN6 - Pollution

DPN7 - Noise Impacts

DPC4 - High Weald Area of Outstanding Natural Beauty

DPB1 - Character and Design

DPT4 - Parking and Electric Vehicle Charging Infrastructure

DPI6 - Community and Cultural Facilities and Local Services

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 National Planning Policy Framework (NPPF) 2024 is a material consideration.

Paragraphs 2, 8, 11, 12, 39, 48, 85, 98, 115-117, 131, 134, 135, 139 & 189.

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

High Weald AONB Management Plan 2024-2029

National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

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

- Principle
- Impact on Character and Design
- High Weald AONB
- Impact on Neighbouring Amenities
- Transport
- Sustainability
- Biodiversity Net Gain

Principle

DP24 of the District Plan states in relation to Leisure and Cultural Facilities and Activities that:

'Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.'

Moreover, in relation to the provision of Community Facilities and Local Services, DP25 of the District Plan notes:

'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported'

Aim 2 of the Slaugham Neighbourhood Plan states that:

'SPC support development proposals in Pease Pottage which bring community benefits to the area. The SNP supports the creation of additional community facilities at Pease Pottage to serve the need arising from new users, whilst benefitting existing residents of the surrounding area.'

The proposal would retain an existing building and would not constitute the erection of a new building to accommodate the proposed use. It is considered that the proposed use would offer both leisure and cultural facilities for the local community and would offer a range of workshops including mindfulness and yoga classes.

It is therefore considered that the principle of the development would be acceptable and be in accordance with Policies DP24 and DP25 of the District Plan and Aim 2 of the Slaugham Neighbourhood Plan.

Impact on 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:

- 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 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'*

The proposed development would not make any exterior alterations to the building. Accordingly, it is considered that the proposal would comply with the provisions of DP26 of the District Plan.

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 requires proposals in the AONB to conserve or enhance natural beauty.

Paragraph 189 of the NPPF is also relevant as it states:

'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.'

In this instance, the proposal is considered to conserve the landscape quality of the AONB due to the proposal not constituting a new isolated development. As such, the proposal would comply with the requirements of Policy DP16 of the District Plan, all the requirements of the High Weald Management Plan and the NPPF.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, 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 DP29);'

DP29 then relates to noise, air and light pollution:

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

Noise pollution:

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

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

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

o an assessment of the impact of noise generated by a proposed development; or

o an assessment of the effect of noise by an existing noise source upon a proposed development;

Light pollution:

o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;

o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;

Air Pollution:

o It does not cause unacceptable levels of air pollution;

o Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;

o Development proposals (where appropriate) are consistent with Air Quality Management Plans.

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.

The application has been accompanied by a noise impact assessment which concluded that the proposed community hub would have no adverse impact on the closest noise sensitive residential properties. Following consultation with the Council's Environmental Health Officer, it was noted within their response that the noise impact assessment shows that noise breakout will remain acceptable if windows and doors remain closed during amplified music events. It was also considered within their response that amplified music would likely be audible outside the nearest residential dwelling, however the playing of amplified music was considered to only constitute a small part of the overall proposed activity.

A condition was therefore recommended by the Environmental Health Officer to restrict the hours which amplified music may be played in. Further requirements to the condition would require windows and doors to remain closed during such events, however this element to the condition would not likely meet the 6 tests of planning conditions as the condition would not likely be enforceable. Nevertheless, the restrictive hours element to the condition is considered to be relevant and necessary should permission be granted.

Accordingly, the proposal is considered to comply with the provisions of DP26 and DP29 of the Mid Sussex District Plan in terms of neighbouring amenities.

Transport

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. Additionally, Policy DP21 of the District Plan requires development proposals to protect the safety of road users and pedestrians.

A technical note has been submitted in support of the application which states that a total of 4 off road parking spaces serve the existing building. West Sussex County Council's guidance states that a community hall would be expected to provide parking at a ratio of 1 car parking space per 14sqm and 1 cycle parking space per 100sqm. Based on this calculation, 11 car parking spaces and 4 cycle parking spaces would be required.

In order to demonstrate that this deficit in parking spaces can be provided, a car parking survey has been carried out by the Applicant. It is considered that this survey sufficiently demonstrates nearby on street parking spaces within a 200m walking distance. In a response to the proposed development, West Sussex County Council's Highways Engineer there were no highway safety or capacity concerns raised in light of the parking survey.

The proposal would demonstrate the required 4 cycle parking spaces although the Highways Engineer requested that the additional two spaces to be provided are covered. It is considered that a condition securing the development of a covered cycle space would not be necessary or relevant should permission be granted. The proposed design of the Sheffield Cycle Stand is considered to embed well within the sites locality and the use of a covered space would likely appear incongruous.

Accordingly, the proposal is considered to comply with the provisions of DP21 of the District Plan.

Sustainability

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation,*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible,*
- Use renewable sources of energy,*
- Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation,*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment,*
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

The proposed facility would utilise a number of sustainable energy saving measures including an open plan layout which maximises natural light and ventilation. Furthermore, mineral wool insulation and low energy LED lamps are used throughout the building to minimise energy consumption. The 12 solar photovoltaic panels on the roof helps the building generate further renewable energy.

Accordingly, the proposal would utilise a number of sustainable design measures and would meet the provisions of DP39 of the 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 is 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 Slaugham 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 proposed alterations are considered acceptable in terms of exterior design within the surrounding context and the amenities of the neighbouring occupiers. The proposal therefore accords with Policies DP1, DP16, DP21, DP24, DP25, DP26, DP29, DP37 and DP39 of the Mid Sussex District Plan, Policies 2 and 8 of the Slaugham Neighbourhood Plan and the relevant paragraphs of the NPPF.

Decision: Permission

Case Officer: Stefan Galyas