

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                     |                                        |                |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------|
| <b>Ref. No:</b>                              | DM/25/2707                                                                                                          | <b>Case Officer:</b>                   | Andrew Horrell |
| <b>Application Type:</b>                     | Full Application                                                                                                    |                                        |                |
| <b>Proposal:</b>                             | Retrospective application for the Change of Use of existing outbuilding to beauty treatment room (Use Class E (e)). |                                        |                |
| <b>Site:</b>                                 | 42 Cavalier Way, East Grinstead, West Sussex, RH19 4SE, , , ,                                                       |                                        |                |
| <b>Validation Date</b>                       | 31 Oct 2025                                                                                                         | <b>Overall Expiry Date:</b>            | 26 Nov 2025    |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                     | <b>Pre-Com Conditions Date Agreed:</b> |                |
| <b>Recommendation:</b>                       | Permission                                                                                                          | <b>Recommendation Date:</b>            | 15 Dec 2025    |
| <b>Target Date:</b>                          | 26 Dec 2025                                                                                                         | <b>Recommending Officer Signature:</b> | Andrew Horrell |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                 |              |             |
|------------------------------|-----------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | Stephen Ashdown | <b>Date:</b> | 16 Dec 2025 |
| <b>Comments:</b>             |                 |              |             |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/25/2707**

**42 Cavalier Way, East Grinstead, West Sussex, RH19 4SE, , ,  
Retrospective application for the Change of Use of existing outbuilding to beauty treatment room  
(Use Class E (e)).  
Mrs Wendy Bull**

### **SUMMARY OF REPRESENTATIONS**

None received

### **SUMMARY OF CONSULTEE COMMENTS**

None received

### **TOWN COUNCIL OBSERVATIONS**

No comment

### **INTRODUCTION**

Retrospective planning permission is sought for the change of use of existing outbuilding within rear garden to beauty treatment room (Use Class E (e)).

### **RELEVANT PLANNING HISTORY**

None relevant

### **SITE AND SURROUNDINGS**

42 Cavalier Way is an end of terrace two storey pitched roofed dwelling within cul-de-sac off Stuart Way. Existing sloped roofed timber outbuilding is located on the south-west of the rear garden.

To the north of the site is the highway, to the south is close boarded fencing to alleyway with no.44 Stuart Way beyond, to the west of the site is close boarded fencing to highway with off street parking space and to the east of the site is close boarded fencing to adjoining No.41.

The site is within the built-up area of East Grinstead.

### **APPLICATION DETAILS**

The outbuilding measures 2.319m in depth, 4.233m in width with a height to eaves of 2.253m and an overall height of 2.496m.

Therefore, the building could be constructed under Class E of Part 1 of the GPDO 2015 (as amended) were it to be used for purposes incidental to the dwellinghouse.

Internally the building is fitted out with one bed and has no other possible use other than as beauty treatment room.

The development is complete and the beauty treatment (lash treatment) use is undertaken by the daughter of the applicant who resides at 42 Cavalier Way.

They seek to operate between the hours of 9.00-19.00 (Monday-Friday) and 9.00-17.00 on Saturdays. It has been confirmed that no machinery is used to undertake the treatments.

The building and use are already operational and therefore the application is made under S.73A of the Town and Country Planning Act 1990.

## **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, the Sites Allocations Development Plan Document (DPD) and the East Grinstead 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)

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

### **East Grinstead Neighbourhood Plan (made November 2016)**

Relevant policies:

EG3 (Promoting Good Design)

### **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 stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the majority of Policies in the draft District Plan. 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:

DPE1 - Sustainable Economic Development

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)

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

## **ASSESSMENT**

### **Principle**

The proposal represents a new commercial business operating from the rear garden of a residential property within a wholly residential area.

Policy DP1 of the District Plan seeks to support economic development, however, seeks to allocate and support business development in appropriate locations. It can be considered that new commercial uses within wholly residential areas may often not be supported by virtue of their potential to cause harm to the amenities of surrounding neighbours and be detrimental to the character and appearance of the area.

It is, however, noted that the proposed use is at a very small scale and that it seeks solely to provide employment for the daughter of the occupier of 42 Cavalier Way. The building is small and well designed and due to the limited floor space the proposed level of use would not easily be able to be intensified. Conditions can also be imposed ensuring the business remains at a small scale with limited hours of operation. Furthermore, the site lies within a Built-Up Area and is considered a sustainable location accessible by other means other than a private motor car.

It is therefore considered that such material circumstances exist relating to the scale and use of the building that the principle of a small scale commercial enterprise can be considered acceptable in principle subject to all other matters being considered.

### **Design and Character**

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."*

East Grinstead Neighbourhood Plan policy EG3 states:

*'Planning permission will normally be granted where development proposals meet the following criteria:*

- o The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- o The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- o The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- o The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- o The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- o New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- o The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- o Proposals make provision for green infrastructure and biodiversity enhancement.'*

Whilst the outbuilding is highly visible from the streetscene, as noted above the structure itself could be installed under permitted development and it is just the use which requires planning permission to be sought.

Therefore, in terms of design and character it would be judged like an outbuilding whilst is a structure to be expected within rear gardens within the built up area.

The proposal is therefore deemed to be in character with the existing dwelling and complies with DP26 of the Mid Sussex District Plan, EG3 of the East Grinstead Neighbourhood Plan and the relevant paragraphs of the NPPF.

## **Neighbouring Amenities**

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states that it must be demonstrated that any development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

The threshold for the related policy within the East Grinstead neighbourhood Plan EG3 states: *'The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity'.*

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 business lies in a solely residential area where commercial activity has the potential to cause harm to amenity. The use as a beauty treatment room, rather than as a hair dressers or other such similar use, does not require any noisy equipment and the nature of the use means clients will desire a peaceful environment with no amplified music.

Therefore, the proposal would not cause harm to neighbour amenity by virtue of noise from the unit.

The use of the building itself though is on a small scale and is equivalent or less intensity than may be expected if the building were used incidentally to the main dwellinghouse. Therefore, no objection is raised in respect of harm to surrounding neighbours amenity

Therefore, the proposal is deemed to comply with DP26 of the Mid Sussex District Plan and EG3 of the East Grinstead Neighbourhood 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. As the impact on habitat is less than 25sqm this development is exempt from the requirement to provide biodiversity net gain.

#### **CONCLUSION**

It is noted that the creation of a commercial unit within a residential garden may be considered contrary to policy DP1 of the District Plan and has the potential to cause harm to amenity. However, the limited scope and scale of the building which will be operated solely by the occupier of the property and for limited hours. No objections have been raised in respect of the impact upon neighbour amenity and the development and use can be suitably controlled by planning conditions. As such the material circumstances outweigh any planning harm resulting from the principle of the development, and does not set a precedent for similar uses.

In conclusion, the proposal is considered to be appropriate in terms of design, size, and scale to the dwellinghouse and locality and would not cause significant harm to the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policies DP1, DP26 and EG3 of the East Grinstead Neighbourhood Plan as well as the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable

Decision:       Permission

Case Officer: Andrew Horrell