

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1504	Case Officer:	Peter Davies
Application Type:	Householder Application		
Proposal:	Single storey rear extension.		
Site:	Fern Cottage, Bonfire Lane, Horsted Keynes, Haywards Heath, West Sussex, RH17 7AJ, ,		
Validation Date	10 Jun 2025	Overall Expiry Date:	7 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	4 Aug 2025
Target Date:	5 Aug 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	5 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1504

**Fern Cottage, Bonfire Lane, Horsted Keynes, Haywards Heath, West Sussex, RH17 7AJ,
Single storey rear extension.
Mr And Mrs Oesterlin**

REPRESENTATION RECEIVED

None received.

SUMMARY OF CONSULTEES

MSDC Tree Officer

I have reviewed the Tree Report and Arboricultural Impact Assessment for this proposal and have no objection.

MSDC Conservation Officer

Fern Cottage is an unlisted semi-detached property located within the Horsted Keynes Conservation Area. It dates from the late 19th-early 20th century, and retains a number of period features. It has been extended to the side over two storeys, including an attached garage at ground floor. The cottage and its attached neighbour make a positive contribution to the character and appearance of this part of the Conservation Area.

The current proposal is for a single storey extension to the rear of the property.

In other circumstances, given the scale of the existing addition to the cottage, a further extension to it might be regarded as contentious, especially given that the combination of the existing and proposed additions would wrap around the rear corner of the building in a manner which is not favourably viewed by the Council's adopted Design Guide. However, in this instance the further extension is modest in size and will be well screened in views from outside the site. In this context, it is considered on balance that an objection to the proposal would be difficult to sustain.

The proposal is therefore considered to meet the requirements of District Plan Policy DP35 and the relevant paragraphs of the NPPF.

I would suggest the following conditions:

- Details of roofing and facing materials.
- Brickwork to match existing adjacent work in colour, texture and bonding pattern and in colour, texture and style of pointing.
- Detailed drawings, at an appropriate large scale, and annotated to show materials and finishes, of the following:
 - typical examples of new windows and external doors, including the roof lantern
 - typical fascia detail
 - Rainwater goods and other new external pipework to be of painted metal.
 - Details of the paving material to the extended patio.

PARISH COUNCIL OBSERVATIONS

The Council did consider it last night and has no objection to this application but would like for there to be a condition or request that blinds are fitted to any skylight windows to project the dark skies at night as highlighted in the Horsted Keynes Neighbourhood plan please.

INTRODUCTION

The application seeks planning permission for a single storey rear extension.

RELEVANT PLANNING HISTORY

03/00175/FUL - Two storey extension. Permission

SITE AND SURROUNDINGS

The application property is a semi detached two storey dwelling located on the south side of Bonfire Lane, within the built-up area boundary of Horsted Keynes. The property is located within the Horsted Keynes Conservation Area and the High Weald AONB.

The property has a pitched roof and is constructed from face brick with white painted timber fenestration. The dwelling is set close to the highway with an integral garage and an off street parking space. The locality is characterised as a residential area with dwellings of varying form, scale and design. The cricket ground is located to the north of the site.

APPLICATION DETAILS

The application seeks planning permission for a single storey extension on the south side of the dwelling. The extension will be L-shaped with a width of 6.2 metres. The depth on the east side will be 2.60 metres and on the west side 4.40 metres. The extension will have a flat roof with a height of 3.15 metres with a rooflight protruding a further 0.50 metres.

The existing patio will be extended west by approximately 2.10 metres with a height of approximately 0.38 metres.

The extension will be constructed from brick to match the existing dwelling with a GRP flat roof and white painted timber fenestration. The patio to be extended will be shingle to match the existing.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and 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
DP26 - Character and Design
DP35 - Conservation Areas
DP37 - Trees, Woodland 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.

There are no relevant policies.

Horsted Keynes Neighbourhood Plan (Made May 2023)

Relevant policies:

HK4 - Maintaining Local Character and Good Quality Design
HK5 - Infill Development and Domestic Extension
HK6 - Conserving Local Heritage
HK9 - The High Weald Area of Outstanding Natural Beauty

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) - Special attention to be paid to preserving or enhancing the character or appearance of a conservation area.

Other Material Considerations

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant Policies:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPB1 - Character and Design
DPB3 - Conservation Areas
DPC4 - High Weald Area of Outstanding Natural Beauty
DPN4 - Trees, Woodland 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.

High Weald AONB Management Plan 2024 - 2029

National Planning Policy Framework (NPPF) (December 2024)

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

National Planning Policy Guidance

ASSESSMENT

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

- Design and Character
- Impact on Conservation Area
- Impact on the High Weald AONB
- Impact on neighbouring properties
- Impact on Trees
- Other Matters
- Biodiversity Net Gain

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."*

Policy HK4 of the Horsted Keynes Neighbourhood Plan in part 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'*

Policy HK5 of the Horsted Keynes Neighbourhood Plan in part states:

'Proposals for infill development and domestic extensions within the built-up area boundary will be supported where they comply with the following criteria:

- o materials are compatible with materials of existing/surrounding buildings; and*

- o *there is no unacceptable harm to the amenity of adjoining residents in respect of access, noise, privacy, daylight, sunlight and outlook is retained.*
- o *Preserving and enhancing heritage assets and their wider settings, including conservation areas, listed buildings and areas of archaeological interest (see also policy HK6)'*

Principle DG49 of the Mid Sussex Design Guide states: *'Extensions should typically use simple, uncomplicated building forms to compliment and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling. Otherwise it should demonstrate the appropriateness of the alternative approach.'*

Principle DG51 relates to rear extensions and states: *'Rear extensions which are not visible from the street and do not negatively impact on neighbouring properties can be expressed in many forms, including by adopting a contemporary architectural approach. With reference to DG49, they should nevertheless have consideration for the character of the existing building and the relationship of the extension with the side boundaries and adjacent buildings and gardens.'*

The proposed rear extension is considered to be of a design, form and scale which would be proportionate and appropriate to the existing dwelling and the character of the area. The extension would not be visible from the street scene and the proposed materials will be matching to the existing dwelling

The proposal therefore complies with policy DP26 of the Mid Sussex District Plan, policies HK4 and HK5 of the Horsted Keynes Neighbourhood Plan and principles DG49 and DG51 of the Mid Sussex Design Guide SPD.

Impact on Conservation 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:

- *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;*
- *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;*
- *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;*
- *Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- *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.'

Policy HK6 of the Horsted Keynes Neighbourhood Plan has a similar ethos and states:

'Development proposals should preserve or enhance the special character and setting of the Horsted Keynes and Birch Grove Conservation Areas, and preserve or enhance the special architectural or

historic interest of listed buildings and their settings, and will be assessed against policies DP34 and DP35 of the Mid Sussex District Plan.

In particular, development proposals should have regard to the following special features of the two conservation areas:

Horsted Keynes

- o the spacious character of The Green, the attractive groupings of buildings around The Green and the sense of enclosure created by both buildings and landscaping*
- o the variety of age and style of buildings, several of which are listed buildings*
- o the use of traditional and natural building materials*
- o the extensive views of the countryside from within the Conservation Area, especially around St Giles Church and the views of the church from within the village*
- o the hedgerows, trees and banked verges, including those in Church Lane, Bonfire Lane and Wyatts Lane.'*

The MSDC Conservation Officer has confirmed they have no objections subject to conditions relating to roofing and facing materials, brickwork to match existing, materials and finishes of new doors, windows roof lantern and fascia detail, new rainwater goods and pipework to be painted metal and the details of the paving materials to the extended patio.

The application form makes clear that the extension will be brick to match the existing dwelling with timber fenestration. The agent has since confirmed that this will be white painted to match the existing dwelling. The roof will be a GRP flat roof. The suggested conditions in terms of roofing materials, brick to match the existing and detailed drawings showing window, external doors and fascia details is not deemed necessary as the standard materials condition will be placed on any approval. Additionally, the agent has confirmed that the patio will be shingle to match the existing patio and therefore no condition is requiring details of the patio. The existing dwelling has existing black uPVC pipework and therefore the request for painted metal would be out of character with the existing dwelling and therefore does not meet the requirements of paragraph 57 of the NPPF.

Notwithstanding this, the proposal is deemed to comply with policy DP35 of the Mid Sussex District Plan and HK6 of the Horsted Keynes Neighbourhood Plan in terms of impact on the Horsted Keynes Conservation Area.

Impact on 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.

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.'

Mid Sussex District Plan policy DP16 states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components of natural beauty and to their setting;*
 - *the traditional interaction of people with nature, and appropriate land management;*
 - *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
- and*
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular'

Policy HK9 of the Horsted Keynes Neighbourhood Plan has a similar ethos.

Given the domestic nature of the proposal, it would not harm the scenic beauty of the High Weald AONB.

As such it would not have any adverse impact on the landscape quality of the AONB and it complies with the requirements of policy DP16 of the District Plan, policy HK9 of the Horsted Keynes Neighbourhood Plan, High Weald AONB Management Plan 2024-2029 and paragraph 189 of the NPPF as the character of the AONB would be conserved.

Impact on neighbouring properties

Policy HK5 states that proposals should "not cause unacceptable harm" to adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy HK5 of the Horsted Keynes NP 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.

Given the inset location of the proposal in relation to the adjoining neighbour, the impact on light and outlook is not deemed to be unacceptable. Additionally the rear boundary is marked by mature hedging and therefore will not have unacceptable harm to Buckhurst Place to the south. Given the single storey nature of the proposal, outlook and privacy is not deemed to be unacceptably harmed.

Therefore, the proposal is deemed to comply with policies DP26 of the Mid Sussex District Plan and HK5 of the Horsted Keynes Neighbourhood Plan in terms of neighbouring amenities.

Impact on Trees

DP37 of the Mid Sussex District Plan states the following:

'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.*

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'.

The MSDC tree officer has confirmed that they have no objection to the proposal. The proposed is therefore deemed to comply with policy DP37 of the Mid Sussex District Plan.

Other Matters

The Parish Councils comments are noted regarding installing blinds being installed to the skylight windows. However, as the properties is located within a residential area within the built-up area of Horsted Keynes, this is not considered reasonable or required.

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 proposal is considered to be of an appropriate design that is in keeping with the existing dwelling and will not cause harm to the surrounding area, would not be harmful to nearby trees, would conserve the natural Beauty of the High Weald AONB and preserve the Horsted Keynes Conservation Area and unacceptable harm is not deemed to be caused to neighbouring amenities.

In conclusion, the proposal would accord with the requirements of policies DP16, DP26, DP35 and DP37 of the Mid Sussex District Plan as well as policies HK4, HK5, HK6 and HK9 of the Horsted Keynes Neighbourhood Plan, The High Weald Area Management Plan, the Mid Sussex Design Guide SPD and the requirements of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Peter Davies