

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0668	Case Officer:	Peter Davies
Application Type:	Householder Application		
Proposal:	Construction of new Garden Room		
Site:	The Old Laundry, Colwood Lane, Warninglid, Haywards Heath, West Sussex, RH17 5UE, ,		
Validation Date	3 Apr 2025	Overall Expiry Date:	25 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	28 May 2025
Target Date:	29 May 2025	Recommending Officer Signature:	Peter Davies

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	29 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0668

**The Old Laundry, Colwood Lane, Warninglid, Haywards Heath, West Sussex, RH17 5UE,
Construction of new Garden Room
Mr Christopher Dean**

REPRESENTATION RECEIVED

1 letter of representation was received in support of the application on the ground of the proposed development not impacting the surroundings due to the large plot.

SUMMARY OF CONSULTEES

MSDC Tree Officer

I have reviewed the Tree Report for this proposal and have no objection. Please condition adherence to the report, particularly with regards to tree protection.

Naturespace

I have checked that all the documents are present and correct in relation to joining the District Licence Scheme and may be accepted. Please ensure that all conditions and informatives are copied in verbatim on to the decision notice should you be minded to approve the application. If you have any questions please feel free to get in touch.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

The application seeks planning permission for an outbuilding within the garden.

RELEVANT PLANNING HISTORY

No relevant history.

SITE AND SURROUNDINGS

The application site comprises a substantial detached two storey dwellinghouse of traditional character, situated within a large plot on the western side of Colwood Lane, an unclassified road to the southeast of Warninglid.

The dwelling is set back into the plot obscured from view in part by outbuildings and mature established vegetation. To the north is the garden and beyond this is woodland. To the west is a large garden area. To the south there is a rise in levels with a post and rail fence on the boundary with fields beyond this. To the east there are trees around 3 to 4m in height along the boundary adjoining the Colwood Lane.

The application site is located within the countryside and High Weald Area of Outstanding Natural Beauty. The locality is rural in character, featuring sporadic residential development amongst small fields and pockets of woodland.

APPLICATION DETAILS

The application seeks planning permission for a garden outbuilding located on the northwest corner of the plot, approximately 1.2 metres from the western boundary. The outbuilding will have a width and depth of 6.20 metres and 4.64 metres. The garden room will have a pitched roof with an eaves height of 2.45 metres and an overall height of 4.0 metres. The outbuilding will be timber clad and painted green (5010-G70Y).

There will be double glazed doors on the east elevation and an air source heat pump mounted to the south elevation wall with an external size of 0.80 metres by 0.55.

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 Bolney 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:

DP12 - Protection and Enhancement of the Countryside
DP16 - High Weald Area of Outstanding Natural Beauty
DP26 - Character and Design
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity

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.

Bolney Neighbourhood Plan 2015-2031

The Bolney Neighbourhood Plan was made on 21 September 2016.

BOLE1 - Protect and Enhance Biodiversity
BOLE2 - Protect and Enhance the Countryside
BOLD1 - Design of New Development and Conservation

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
DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN4 - Trees, Woodland and Hedgerows
DPC1 - Protection and Enhancement of the Countryside
DPC4 - High Weald Area of Outstanding Natural Beauty
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.

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

Ministerial Statement and Design Guide

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 character of area
- Impact on the High Weald AONB
- Impact on neighbouring properties
- Impact on trees
- Impact on Great Crested Newts
- Other matters
- Biodiversity Net Gain

Design and Impact on character of area

DP12 of the Mid Sussex District Plan in part states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

Policy BOLE2 of the Neighbourhood Plan States:

'Outside the Built-up Area Boundary, development must demonstrate that it does not have an unacceptable impact on the landscape. In particular, development proposals must demonstrate how they have addressed the requirements of BOLD1 of the Neighbourhood Plan. Major development which has an unacceptable impact on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty shall be refused, unless it can be demonstrated that there are exceptional circumstances and that it is in the public interest.'

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 BOLD1 of the Neighbourhood Plan States:

'Planning permission for new development will ordinarily be permitted subject to the following criteria:

- *It is designed to a high quality which reflects Bolney's rural nature and responds to the heritage and distinctive character by way of;*
- *height, scale, spacing, layout, orientation, design and materials of buildings, and*
- *the scale, design and materials of the public realm (highways, footways, open space and landscape); and*
- *It does not have an unacceptable impact on the setting of any heritage asset; and*
- *It respects the natural contours of a site and protects and sensitively incorporates well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site; and*
- *It creates a safe, accessible and well-connected environment that meets the needs of its users; and*
- *It will not result in unacceptable levels of light, noise, air or water pollution, and*
- *Where possible, it provides lock-up facilities for storage of bicycles, children's pushchairs and mobility vehicles to encourage walking and cycling and to assist accessibility'*

The proposed garden room is of an acceptable scale, form and design to the main dwellinghouse and the character of the area. The building will be built from timber and painted in an appropriate colour and will not be visible from the highway or the public realm. A suitably worded condition can be added so that the outbuilding remains ancillary to the main dwellinghouse.

As such, the proposal is considered appropriate in terms of design, form and scale and should not detract from the rural character of the area, thereby according with policies DP12 and DP26 of the Mid Sussex District Plan and policies BOLE2 and BOLD1 of the Bolney Neighbourhood Plan

Impact on 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'

The proposed garden room is of a subordinate scale to the existing dwellinghouse and will be viewed in context of the residential property. It is not considered that the proposal would appear obtrusive within the locality as to detract from the wider landscape of the AONB

The proposal is deemed to comply with Policy DP16 of the District Plan, The High Weald Management Plan and Para 182 of the NPPF.

Impact on neighbouring properties

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);'

The proposed outbuilding will be located approximately 65 metres from the closest neighbour to the southeast and the application property sits in-between. The proposal will therefore not create significant

harm to neighbouring amenities and considered to comply with policy DP26 of the Mid Sussex District Plan.

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 subject to condition.

The proposed therefore subject to a suitably worded condition is deemed to comply with DP37 of the Mid Sussex District Plan.

Impact to Great Crested Newts

Policy DP38 of the Mid Sussex District Plan relates to biodiversity and, in part, states that development:

'Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances)'.

Policy BOLE1 of the Neighbourhood Plan in part states:

'Development proposals should protect and, where possible, enhance biodiversity by:

- ensuring they do not have an unacceptable impact on sites of environmental importance; and*
- ensuring they do not result in loss of or unacceptable harm to protected species or their habitats and ancient or species-rich hedgerows, grasslands and woodlands; and in the case of loss or deterioration of irreplaceable habitats permission will be refused unless the need for, and the benefits of, the development in that location clearly outweigh the loss;'*

The District Licensing Officer reviewed the original submission and noted that there are 18 ponds within 500 metres of the application site, the closest of which is 30 metres to the northeast of the site. Additionally, there is good connectivity with the wider landscape. It was also noted that no ecological information had been provided to accompany the application.

The applicant therefore applied to the District Licensing Scheme and has submitted a Certificate from Naturespace. The District Licensing Officer has confirmed that the certificate provided is correct.

No objection has been raised by the District Licensing Officer subject to their recommended conditions being included. It is considered that these conditions would be reasonable and necessary in order for the development to comply with the requirements of policy DP38 of the Mid Sussex District Plan and policy BOLE1 of the Bolney 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. 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

In conclusion, the proposal is considered to be acceptable in terms of design, size and scale to the dwellinghouse and locality, would not cause significant harm the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policies DP12, DP16, DP26, DP37 and DP38, policies BOLE1, BOLE2 and BOLD1 of the Bolney Neighbourhood Plan and with the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Peter Davies