

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0886	Case Officer:	Rachel Richardson
Application Type:	Full Application		
Proposal:	Retrospective change of use of agricultural land to residential curtilage		
Site:	Cedar Cottage, Ardingly Road, Lindfield, Haywards Heath, West Sussex, RH16 2QY, ,		
Validation Date	16 Apr 2026	Overall Expiry Date:	12 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	29 Jul 2026
Target Date:	11 Jun 2026	Recommending Officer Signature:	<i>Rachel Richardson</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	30 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0886

**Cedar Cottage, Ardingly Road, Lindfield, Haywards Heath, West Sussex, RH16 2QY,
Retrospective change of use of agricultural land to residential curtilage
Mr M Norman**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

None.

TOWN/PARISH COUNCIL OBSERVATIONS

LRPC have no comment other than to ask that if this application is approved, any permitted development rights attached to that additional parcel of land be withdrawn/cancelled in perpetuity.

INTRODUCTION

Retrospective permission is sought for a change of use of agricultural land to residential curtilage.

RELEVANT PLANNING HISTORY

DM/20/1094 - Two storey rear extension, replacement of existing porch, new tile hanging, adjustment to existing windows, new rooflights, adjustments to landscaping including creation of off-street parking and associated works. Permission.

DM/23/0325 - Demolition of existing shed and erection of a detached garage building with room in the roof, extension of existing driveway and change of use of land to enlarge residential curtilage. Refused.

DM/24/1822 single storey extension to the side of the property. Permission.

SITE AND SURROUNDINGS

Cedar Cottage is a detached, two storey dwelling located on the northern side of the access road that runs through the site. It is constructed of brick, with tile hanging at the first floor level, a plain tile roof and white Upvc windows. The dwelling also benefits from solar panels on the front roof slope.

To the west of the application property is Orchard Cottage and there is a central, shared vehicular access to both properties. Two, uncovered, parking spaces are currently located adjacent to the front elevation. There is also a substantial Cedar Tree to the southeast, situated in a green frontage, that is protected by a Tree Preservation Order (ref TP/15/0005).

A timber shed/garage has been erected on the field to the southeastern side of the dwelling. A footpath has also been laid to access it. This has not got planning permission and is not included in this application. It is outside of the red edged boundary.

The Buxshalls estate, to the south of the application site, covers 17 hectares of countryside and woodland of which 2.4 hectares were occupied by Buxshalls House and an additional 21 residential properties, access roads and curtilage areas. The property was previously in use as care facilities but has been converted to dwellings with other surrounding dwellings.

The site is accessed off the Ardingly Road (B2028). This access road runs directly through the site to a large working farm located to the west and several other residential properties. It is also a designated Public Right of Way (28LR). The site sits within an attractive rural setting within the countryside and High Weald Area of Outstanding Natural Beauty (AONB).

APPLICATION DETAILS

The purpose of this application is to regularise the use of land adjacent to the dwelling which has, since the applicants' purchase of the property in July 2022, been used as domestic garden space. The application seeks to formally incorporate this land into the lawful residential curtilage of the dwelling.

The block plan (proposed site plan drawing no 122/2026/2) shows the extent of the extended curtilage within the red edged boundary. The extended garden area is enclosed by a wooden 1m high post and rail fence.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

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

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

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

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

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

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 - Protection and Enhancement of Countryside
DP16 - High Weald Area of Outstanding Natural Beauty

Site Allocations DPD

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

No relevant policies.

Lindfield and Lindfield Rural Neighbourhood Plan

The Lindfield and Lindfield Rural Neighbourhood Plan was made in March 2016.

Relevant policies:

Policy 1 - A Spatial Plan for the Parishes

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Levelling-Up and Regeneration Act 2023

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 hearings were concluded on 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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:

DPC1 - Protection and Enhancement of the Countryside

DPC4 - High Weald Area of Outstanding Natural Beauty

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)

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.

ASSESSMENT

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

Principle/Landscape Impact

One of the objectives of achieving sustainable development is to ensure that proposals 'contribute to protecting and enhancing our natural, built and historic environment' (para 8, NPPF).

The site falls outside of the built-up area (within the countryside). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area.

Policy DP12 of the District Plan relates to the protection and enhancement of the countryside. In part it 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:

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

The supporting text sets out the following:

'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built-up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.'

Policy 1 of the NP states:

'Only development proposals within the built up area boundaries of Lindfield and Scaynes Hill, as shown on the Proposals Map, will be supported and the re-use of previously-developed sites will be encouraged, provided that the development is appropriate in scale, massing, and character, and that the proposals for development have had due regard to the policies contained elsewhere in this Plan and the Local Development Plan.'

The proposed development conflicts with Policy 1 of the NP.

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

'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:

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

Para 187 of the NPPF requires proposals to contribute to and enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside'.

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'.

This is reflected in paragraph 189 of the NPPF and a similar ethos is found within the High Weald 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 and the Broads 66. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

As stated above, for the purposes of planning policy the site lies outside of the built-up area boundary and is within the countryside which is also designated as an area of outstanding natural beauty as defined within the District Plan.

DP12 is therefore the starting point for the proposed change of use of the countryside to a garden area.

The proposed change of use is therefore only acceptable in principle if it is considered to protect the intrinsic character and beauty of the countryside by maintaining the quality of the rural and landscape character of the surrounding area. It also has to be necessary for the purposes of agriculture or be supported by other relevant policies in the development plan.

On page 16 of the High Weald Management Plan, the landscape character is described as being:

'The natural beauty of the High Weald AONB is derived from the essentially rural and small-scale landscape character, rich in wildlife and cultural features. It has been created by historic and locally distinctive agricultural and forestry practices, with the story of its past visible throughout. The extensive survival of woodland and traditional mixed farming supports an exceptionally well-connected green and blue infrastructure, with a high proportion of natural surfaces. Food production and semi-natural habitat are interwoven in a structurally diverse, permeable and complex mosaic supporting a rich diversity of wildlife. A dense network of historic routeways and public rights of way provides access for people to get close to nature and experience its natural beauty. The pattern and landscape setting of dispersed historic settlements enriches its natural beauty, with small, irregular fields and pasture, hedgerows and

ancient woodlands interspersed with the rich clay-tiled roofscapes of historic buildings. Greenness, a sense of tranquillity and dark skies contribute to the perceptual and scenic qualities people enjoy.'

The application site is characterised as being flat and comprising fields and pastureland. It is highly visible from the PROW which runs along the front boundary of the curtilage.

It is considered that this is a significant extension of a domestic garden area into open landscape. If approved this extension of garden land could include the introduction of other domestic paraphernalia, which will not maintain or enhance the rural and landscape character of the area.

As such, the proposed development is unacceptable in principle and contrary to DP12 and DP16 of the MSDP and Policy 1 of the NP.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

An overall Habitats Regulations Assessment has been undertaken for the planning application which includes the type of development proposed.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. There is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not 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 planning permission is being granted on an application made under Section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out). This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Lindfield Rural and Lindfield 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 change of use is unacceptable in principle in the countryside and would by virtue of its use adversely detract from the visual qualities and essential characteristics of the HWAONB. The proposal is contrary to policies DP12 and DP16 of the Mid Sussex District Plan, Neighbourhood Plan Policy 1, and the principles of the Mid Sussex Design Guide SPD and the provisions contained within the NPPF.

Decision: Refusal

Case Officer: Rachel Richardson