

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0793	Case Officer:	Peter Davies
Application Type:	Householder Application		
Proposal:	Proposed 3m extension to an existing dropped kerb.		
Site:	Hillbury Cottage, Horsham Road, Handcross, Haywards Heath, West Sussex, RH17 6DB, ,		
Validation Date	7 Apr 2026	Overall Expiry Date:	27 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	14 Aug 2026
Target Date:	2 Jun 2026	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:	19 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0793

**Hillbury Cottage, Horsham Road, Handcross, Haywards Heath, West Sussex, RH17 6DB,
Proposed 3m extension to an existing dropped kerb.
Mrs Sarah Ellis**

REPRESENTATION RECEIVED

1 letter of representation has been received objecting to the proposal as the proposal will result in increased parking issues along the road and highway safety.

SUMMARY OF CONSULTEES

WSCC Highways

No highway safety concerns with informative recommended for works requiring a license from WSCC.

Conservation Officer

Dropped kerb would be a minimal alteration to the setting of the house however Google Street View shows changes to the off street parking created post 2016 without planning permission or listed building consent.

The creation of off-street parking within a front garden within a rural Conservation Area such as Handcross is unlikely to be favourably viewed, due to the negative impact on the street scene. In this instance the setting of a listed building is also adversely affected, by the partial loss of both the front boundary treatment and front garden, both of which were complementary to the character of the building as a rural cottage, and which provided separation between the listed building and the road.

The current application, while it does not refer specifically to the loss of the garden or walls and fencing in effect facilitates the ongoing use of the adjacent area for off street parking. On balance therefore I would object to the proposal in terms of impact on the setting of the listed building and the character and appearance of the Conservation Area. This fails to meet the requirements of District Plan Policies DP34 and DP35. In terms of the NPPF, the proposal results in less than substantial harm to both assets, such that the balancing exercise set out in paragraph 215 will apply.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

The application seeks planning permission to extend the existing dropped kerb.

RELEVANT PLANNING HISTORY

10/03163/LBC - Partial conversion of garage and internal alterations. Replacement of garage doors and alteration to the ground floor fenestration on South West flank. Permission

SITE AND SURROUNDINGS

The application property is a grade II listed property located on the south east side of Horsham Road, within the built-up area boundary of Handcross, Handcross Conservation Area and the High Weald AONB.

The application property has a pitched roof and is constructed from ashlar stone with hanging tile at first floor level with clay roof tiles and white windows. The dwelling is set close to the highway with a front boundary wall and railings with some soft landscaping. On the south west side of the dwelling is an integrated garage with some hardstanding to the front to create some off street parking. The locality is characterised by dwellings of varying scale, form and design, with some retail units and pub to the north. To the west is a bridge leading over the A23.

APPLICATION DETAILS

The application seeks planning permission to extend the existing dropped kerb by 3.0 metres to a total length of 6.6 metre.

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 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:

DP16 - High Weald Area of Outstanding Natural Beauty
DP21 - Transport
DP26 - Character and Design
DP34 - Listed Buildings and Other Heritage Assets
DP35 - Conservation Area

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.

Slaugham Neighbourhood Plan (made September 2019)

Relevant policies:

Policy 1 - Protecting the Area of Outstanding Natural Beauty
Policy 4 - Conservation Areas

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

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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. 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:

DPB1 - Character and Design
DPB2 - Listed Buildings and Other heritage Assets
DPB3 - Conservation Areas
DPC4 - High Weald Area of Outstanding Natural Beauty
DPT4 - Parking and Electric Vehicle Charging Infrastructure

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) (August 2026)

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 and Impact the High Weald AONB
- Designated Heritage Assets
- Impact on neighbouring properties
- Highway Safety
- Biodiversity Net Gain

Design and Character and Impact the 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.

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'

A similar ethos is found within policy 1 of the Slaugham Neighbourhood Plan.

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.'*

The proposal is to widen an existing dropped kerb with no other alterations. The works are small in scale. The proposal is therefore considered to be acceptable to the character of the area and will not have an adverse impact on the overall landscape quality of the AONB.

The proposal therefore complies with policies DP16 and DP26 of the Mid Sussex District Plan, policy 1 of the Slaugham neighbourhood Plan and the NPPF.

Designated Heritage Assets

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 'In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall

have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area.'

Policy DP34 of the Mid Sussex District Plan relates to listed buildings and states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- Special regard is given to protecting the setting of a listed building;*
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

In terms of the impact on the Handcross Conservation Area, policy DP35 of the Mid Sussex 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:

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

A similar ethos is contained within policy 4 of the Slaugham Neighbourhood Plan.

Policies HE6 and HE9 of the NPPF are also relevant.

The comments from the conservation officer are noted, however the alterations to the driveway and fence are not part of the application. Additionally Google Streetview shows they have been in place since at least September 2020 and therefore more than 4 years. An informative will be added to advise the application that retrospective listed building consent and a certificate of lawfulness would need to be submitted. The conservation officer has stated that the dropped kerb would be a minimal alteration to the setting of the house.

As such the works are considered to preserve the special interest of the listed building and the character and appearance of the Handcross Conservation Area. The proposal is deemed to comply with policies DP34 and DP35 of the District Plan, policy 4 of the Slaugham Neighbourhood Plan and the relevant paragraphs 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);'

Due to the nature of the proposed works of extending a dropped kerb to the front of the property, there will be no additional harm to neighbour amenity. The proposal is therefore, considered to comply with the above-mentioned part of Policy DP26 of the Mid Sussex District Plan.

Highway Safety

Policy DP21 in part states:

'The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;'

The comments raised in the objection letter are noted however West Sussex County Council highways have commented on the application and have raised no objection to the proposal on highway safety grounds. An informative has been recommended for the requirement of a license for the works to the highway.

The proposed dropped kerb is therefore considered to accord with the aims of District Plan Policy DP21.

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, would not have a harmful impact on the character of the Conservation Area or listed building and would not cause harm to the amenities of neighbouring properties. Therefore, the proposal complies with Mid Sussex District Plan policies DP16, DP21, DP26, DP34 and DP35, policies 1 and 4 of the Slaugham 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

