

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                                              |                                        |                      |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------|
| <b>Ref. No:</b>                              | DM/26/1270                                                                                                                                   | <b>Case Officer:</b>                   | Stefan Galyas        |
| <b>Application Type:</b>                     | Full Application                                                                                                                             |                                        |                      |
| <b>Proposal:</b>                             | Part retrospective application for alterations to the existing garage and the proposed change of use of the garage to a residential dwelling |                                        |                      |
| <b>Site:</b>                                 | 36 Kings Drive, Hassocks, West Sussex, BN6 8DZ, , , ,                                                                                        |                                        |                      |
| <b>Validation Date</b>                       | 10 Jul 2026                                                                                                                                  | <b>Overall Expiry Date:</b>            | 11 Aug 2026          |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                                              | <b>Pre-Com Conditions Date Agreed:</b> |                      |
| <b>Recommendation:</b>                       | Refusal                                                                                                                                      | <b>Recommendation Date:</b>            | 20 Aug 2026          |
| <b>Target Date:</b>                          | 4 Sep 2026                                                                                                                                   | <b>Recommending Officer Signature:</b> | <i>Stefan Galyas</i> |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 2 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                    |              |             |
|------------------------------|--------------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | <i>Steven King</i> | <b>Date:</b> | 20 Aug 2026 |
| <b>Comments:</b>             |                    |              |             |

## MID SUSSEX DISTRICT COUNCIL

**DM/26/1270**

**36 Kings Drive, Hassocks, West Sussex, BN6 8DZ, , ,**

**Part retrospective application for alterations to the existing garage and the proposed change of use of the garage to a residential dwelling**

**Mr Daniel Short**

### **SUMMARY OF REPRESENTATIONS**

There were two letters of representation received in response to the application which objected to the proposal for the following reasons:

- Little or no significant changes are proposed in comparison to the previous refusal except a fence to the back of the building.
- Only a partial drop down kerb access serves the existing garage. Should this be extended it could inconvenience other nearby dwellings access and egress.
- The proposal being unacceptable as the original permission stipulated that the garage should not be used as living accommodation.

### **SUMMARY OF CONSULTEES**

**Mid Sussex District Council Drainage:** No objection.

**West Sussex County Council Highways:** *'Based upon the submitted information, the Local Highway Authority does not consider that the proposal for a single one bedroom would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.'*

**Mid Sussex District Council Street Naming and Numbering:** *' Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved.'*

### **TOWN/PARISH COUNCIL OBSERVATIONS**

**Parish Council:** *'The committee has considered the amended description and plans and recommend that permission is refused. The development is considered incongruous with the street scene and is contrary to District Plan Policy DP26 and Neighbourhood Plan Policy 9 Character and Design as it does not respect the character and scale of the surrounding buildings and landscape.'*

### **INTRODUCTION**

The application seeks part retrospective planning permission for alterations to the existing garage and for the proposed change of use of the garage to a residential dwelling.

### **RELEVANT PLANNING HISTORY**

DM/24/2689 - Extension and alteration to existing garage, including new pitched roof. Permission 03.10.2025.

DM/26/0061 - Part retrospective single storey dwelling. Refusal 03.03.2026.

### **SITE AND SURROUNDINGS**

The application relates to number 36 Kings Drive, a semi-detached bungalow set within a corner plot as Kings Drive merges into Queens Drive to the east. The dwelling is afforded both front and rear garden amenity space and shares a comparable hipped roof and front bay appearance to the adjoining semi. There is an existing double bay garage outbuilding on site which features brick exterior walls, plain clay roof tiles and black uPVC windows and doors.

There are a number of estate style dwellings set within the site's locality with primarily two storey dwellings fronting the outer ring of the road whilst bungalows which have been extended at loft level are primarily set to the inner ring.

With regard to policy constraints, the site is located within the built-up area boundary for Hassocks.

## **APPLICATION DETAILS**

The building on site as built is not considered to have been built in compliance with the extant permission under DM/24/2689 which showed two garage doors, no bifold opening door or window to the rear (south) elevation, brickwork to the exterior walls throughout instead of partly plaster and an alternative roof pitch to what was built. Due to this breach in planning control, it is considered that the building in its current condition is unauthorised.

As such, the current proposal seeks part retrospective planning permission for these aforementioned elements which were added to the building as constructed.

The proposal would change the use of the garage into a new one bedroom residential dwelling. A new boundary fence would be constructed to the south of the site as well as a new bin store to the west of the proposed dwelling. The boundary fence to the south as already been constructed and is therefore retrospective. The submitted plans show the fence to measure at circa 1.6m high when measured from the highest point of the natural floor level. The proposed bin store would measure at approximately 1.5m in length, 1m wide and 1.6m high.

As per the proposed elevations, the building measures at approximately 7.2m in length, 7.4m wide, has an eaves height of 2.7m and a ridge height of 3.3m. The proposed dwelling would continue to use a part brick exterior as well as white painted plaster, plain clay roof tiles and grey uPVC windows and doors.

## **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 Hassocks 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:

DP4: Housing

DP5: Planning to Meet Future Housing Need

DP6: Settlement Hierarchy

DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP21: Transport

DP26: Character and Design

DP27: Dwelling Space Standards

DP28: Accessibility

DP29: Noise, Air and Light Pollution

DP39: Sustainable Design and Construction

DP41: Flood Risk and Drainage

### **Site Allocations DPD**

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

### **Neighbourhood Plan**

Hassocks Neighbourhood Plan (Made July 2020)

Policy 4: Managing Surface Water

Policy 5: Enabling Zero Carbon

Policy 9: Character and Design

Policy 14: Residential Development With and Adjoining the Built-Up Area Boundary of Hassocks

### **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 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:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction  
DPS4 - Flood Risk and Sustainable Drainage  
DPN6 - Pollution  
DPN7- Noise Impacts  
DPB1 - Character and Design  
DPT4 - Parking and Electric Vehicle Charging Infrastructure  
DPH1 - Housing  
DPH3 - Sustainable Development Inside the Built-Up Area  
DPH11 - Dwelling Space Standards  
DPH12 - Accessibility

#### *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) (August 2026)

The National Planning Policy Framework (NPPF) 2026 is a material consideration.  
Policies S3, S4, TR6, DP3 and L2

#### National Planning Policy Guidance

#### *National Design Guide/Code*

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

#### *Technical Housing Standards - Nationally Described Space Standards (March 2015)*

### **ASSESSMENT**

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

- Principle
- Impact on Character and Design
- Impact on Neighbouring Amenities
- Impact on the Future Occupants of the Development
- Flood Risk and Drainage
- Highways and Parking
- Sustainability
- Ashdown Forst
- Biodiversity Net Gain
- Planning Balance and Conclusion

#### **Principle:**

Using this as the starting point the development plan in Mid Sussex consists of the adopted District Plan, Site Allocation DPD, and the Hassocks Neighbourhood Plan.

As the proposed development is within the built up area of Hassocks, a Category 2 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

*'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'*

Policy 14 of the Neighbourhood Plan states that:

*'Development proposals for residential development on unidentified sites within the defined built-up area of Hassocks will be supported where proposals:*

- 1. Are of an appropriate nature and scale; and*
- 2. Positively respond to the character and function of the area.'*

Policy S3 indicates that there is a presumption in favour of sustainable development and notes that Policy S4 should be applied when considering proposals within settlement boundaries. Policy S4 elaborates that development should be approved within settlements unless the benefits of doing so would be substantially outweighed by any adverse effect.

The principle of regularising the development to the previously consented garage and thereafter changing the use to a new residential housing unit within a defined settlement boundary is considered to be acceptable, owing to the site's sustainable location. It is however also necessary to consider other planning issues in order to determine the overall planning balance.

### **Impact on Character and Design**

Policy DP26 of the 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:*

- o is of high-quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o 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'*

Policy 9 of the Hassocks Neighbourhood Plans states that:

*'Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:*

- o Is of high quality design and layout;*
- o Contributes positively to the private and public realm to create a sense of place;*
- o Respects the character and scale of the surrounding buildings and landscape;*
- o Protects open spaces and gardens that contribute to the character of the area;*
- o Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
- o Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
- o Creates safe, accessible and well connected environments;*
- o Protects existing landscape features and contributes to the village's Green Infrastructure network;*
- o Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
- o Positively responds to the local vernacular character of the defined Local Townscape Character Area.'*

In relation to the height and scale of new buildings, Principle DG39 of the Design Guide notes:

*'The scale of new buildings should relate to their context (rural or urban), their location within the hierarchy of routes and whether they act as a focal point, landmark or corner building and the topography of a site.'*

Policy L2(d) of the NPPF states among other matters that development proposals within settlement boundaries should:

*'Be consistent with the overall street scene, other than where: it is appropriate to have larger buildings (such as at street corners, or where building upwards would not cause substantial harm to the character of a building and its surroundings); the development would not be visible from the street frontage; or where specific changes are provided for through a design code which forms part of the development plan'*

Policy DP3 of the new NPPF is also considered to be pertinent which requires development among other matters to which states that development should integrate and enhance its surrounding.

### Regularisation Works

The first leg of the proposed development seeks to regularise the departures from the previously consented garage under DM/24/2689. These works include a single garage door to the principal elevation, an alternative hipped roof design as well as a bi-fold door and window to the rear elevation.

It is considered that the change in roof design would largely maintain a similar appearance to that as previously consented, albeit with a less shallow roof slope. The roof would continue to use plain clay roof tiles as previously permitted and on balance it is considered that this roof alteration would be acceptable.

The proposed alteration from a double garage door to a single door is not considered to result in a significantly different material visual impact. Furthermore, the use of brickwork throughout to the exterior walls instead of the previously permitted partial plaster is also not considered to be contentious.

To the rear of the building, the use of a bi-fold door and window are considered to give rise to more of a domestic appearance to the garage. However, it is considered that these are sited within a visually discrete position in terms of public vantage points and their use does not necessarily denote that the garage is being used as a residential dwelling.

Following a Case Officer site visit, it was observed that a new close board boundary fence has been constructed fronting the highway without approval under the previous application. This measures above the 1m restriction under Class A, Part 2 of the General Permitted Development Order and therefore would require permission in its own right. Although there was some existing fencing above a low brick built wall on site, this was not to the same extent and layout as the new fencing and it therefore does not replace the existing.

It is considered that whilst the fence does cover a substantial stretch of the pavement edge and is set within a visually prominent position, this would not be too dissimilar to the previous fence arrangement on site. Although the proposed fence would cover a greater stretch of the pavement edge to the previous, this would not appear overly incongruous in the locality.

The fence continues into the garden amenity space of No.36 and effectively subdivides the plots.

### Proposed Change of Use

The proposed change of use would alter the existing garage outbuilding so that a white painted render would in part be utilised to the exterior walls. It is considered that the most visually prominent change would be to the principal elevation, where a new doorway, windows and entrance canopy would be added. The existing building would not be increased in footprint and the main alterations in design would be to the exterior elevations. The roof form would remain as what currently exists.

It is considered that the existing roof is of a particularly shallow appearance and that the overall height of the outbuilding was key towards the acceptability of the previous permission granted on site under DM/24/2689. This was in order to ensure that the existing outbuilding would not become the predominant building on site in association with the existing bungalow.

When considering the alteration of the existing garage building into a dwelling, it is considered that the low eaves and shallow roof pitch would give rise to an appearance more commonly associated with

outbuildings. Although a front doorway, canopy and windows would be added to provide a more domestic appearance, it is considered that this would be at odds with the overall scale and appearance of the building.

There are a number of other bungalows within the streetscene whereby there is some variance in roof forms. However, these nearby bungalows are considered to be of a legible and considerable additional height than that of the proposed dwelling. The site is also considered to be set within a relatively visually prominent corner plot location as the road skirts the sites boundary from north-west to north-east. Accordingly, the proposal would result in a discordant appearance within the context of the streetscene.

It is noted that the submitted Planning Statement makes reference to a number of other bungalow designs, however these are not considered to be within the sites immediate context. Whilst the closest example at No.2a Kings Drive is located along the same street, this is considered to be of a more substantial and residential design when compared to the current proposal.

In light of the above, it is considered that the proposed change of use to a dwelling would retain the appearance of an outbuilding due to its low eaves and shallow pitch design features. The building would therefore not correspond to its proposed use as a residential dwelling. Furthermore, this would appear discordant with the streetscene which displays bungalows of a more sizeable and substantial design. The proposal would therefore fail to comply with the provisions of policy DP26 of the District Plan, Policy 9 of the Hassocks Neighbourhood Plan, DG39 of the Mid Sussex Design Guide and policies L2(1)(d) and DP3 of the NPPF.

### **Impact on Neighbouring Amenities**

Policy 9 of the Hassocks Neighbourhood Plan states that proposals should not cause 'unacceptable harm' with regard to neighbouring 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 9 of the Hassocks Neighbourhood Plan 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.

The proposed building is already built albeit not having been converted to a residential dwelling. As such the findings of DM/24/2689 are considered to be applicable when the proposals impact on the neighbouring property at No.2 Queens Drive is assessed. To this end, the proposal would result in an acceptable impact in terms of the impact on this neighbouring dwelling.

In terms of the proposals impact on No.36, there would be a significantly reduced amount of private garden amenity space. It is considered that the remaining private garden amenity space would not be sufficient to meet the needs of the current and future occupiers. The proposed fence line is shown to end towards the principal elevation of No.36 and the rest of the space to the south would be access for the dwelling.

Accordingly, the proposal is not considered to demonstrate that sufficient private garden amenity space would be retained for the neighbouring dwelling at No.36. It is considered that this reduction would not be sufficient to meet the needs of the current and future occupiers of the neighbouring dwelling. The proposal would therefore fail to meet the provisions of Policy 9 of the Hassocks Neighbourhood Plan and would cause unacceptable harm in this regard.

### **Impact on the Future Occupiers of the Development**

Policy DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage.

A minimum floor area of 39m<sup>2</sup> with 1.0m<sup>2</sup> of built in storage is recommended for a single storey, one bedroom dwelling with two bed spaces under the nationally described space standards.

The proposed dwelling would measure at approximately 44.92m<sup>2</sup> of internal floor space with 1m<sup>2</sup> of built in storage. Moreover, the proposed garden amenity space would measure at approximately 65m<sup>2</sup>. This is not considered to be of a suitable size to provide sufficient private garden amenity space to meet the needs of the current and future occupiers of the application site.

Whilst the proposal is not considered to demonstrate sufficient garden amenity space, the proposed dwelling itself would comply with the nationally described space standards and therefore the proposal would comply with DP27 of the District Plan.

## **Flood Risk and Drainage**

Policy DP41 of the District Plan notes that:

*'Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'*

Moreover, Policy 4 of the Neighbourhood Plan goes on to state:

*'Technical proposals which seek to reduce the risk of surface water flooding will be supported. Development proposals should seek to reduce existing run-off rates in the first instance. Development proposals which incorporate sustainable drainage techniques to manage surface water will be supported. Where technically feasible sustainable drainage techniques should include infiltration measures that reflect natural drainage patterns and manage water as close to its source as possible.'*

The Council's Drainage Engineer has been consulted in response to the proposed development. The current submission is supported by a revised full flood risk assessment in order to address the concerns raised by the Drainage Engineer in the previous refusal (DM/26/0061). The updated assessment notes that the site lies within flood zone 1 with a small area of the northern driveway also being located within flood zone 3. It is also demonstrated that the existing finished floor level is above the modelled fluvial levels and that the proposal would not unduly increase flood risk elsewhere.

In response to this information, the Council's Drainage Engineer commented that they are satisfied that the proposal will be safe for its lifetime without increasing flood risk. No further details regarding surface or foul water drainage were considered necessary prior to development, should permission be granted as the proposal does not increase the buildings footprint with existing surface water drainage arrangements to be retained. Furthermore, it is proposed that the foul water drainage would discharge into the existing foul sewer serving the site. Accordingly, no objection was raised towards the proposal.

The proposal would therefore comply with the provisions of policy DP41 of the District Plan and Policy 4 of the Neighbourhood Plan.

## **Highways and Parking**

Policy TR6 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. Additionally, Policy DP21 of the District Plan requires development proposals to protect the safety of road users and pedestrians.

In response to the proposed development, the Local Highway Authority commented that the proposal would not likely cause a highways capacity concern. The 2 proposed parking spaces would satisfy the demand generated by a property of this size and the spaces would meet the minimum West Sussex County Council parking requirements. As such, no objection was raised towards the development proposal on highways grounds.

The proposal is considered to therefore comply with the provisions of policy D21 of the District Plan on highways grounds.

## **Sustainability**

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

*'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:*

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation,*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible,*
- Use renewable sources of energy,*
- Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation,*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment,*
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

The application is supported by a Planning and Sustainability Statement which notes that the proposal will make use of a number of measures to improve its overall sustainability. The proposal would use high thermal performance building fabric, utilise double glazed windows and install low energy fitting lights. The proposal would also provide an electric vehicle charging point, however this has not been shown on the proposed drawings and would most likely be pursued under permitted development rights.

Accordingly, it is considered that the proposed development will be compliant with Policy DP39 of the District Plan.

## **Ashdown Forest**

Under the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) are not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

The application site is outside of the 7km zone of influence and thus there would be no effect on the SPA from recreational disturbance.

Increased traffic emissions as a consequence of new development may result in 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.

The proposed development was modelled in the Mid Sussex Transport Study (Updated Transport Analysis) as a windfall scheme such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

## **Biodiversity Net Gain**

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is retrospective meaning that this development is exempt from providing 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 Hassocks 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.

National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is considered to appear incongruous within the existing streetscene where a number of existing bungalows of a more substantial bulk and scale are perceivable. Furthermore, the proposed building is not considered to correspond to its proposed residential use and by virtue of the low eaves and shallow roof pitch, the building would likely retain the appearance of an outbuilding. The proposed residential plot would be served by a limited amount of rear garden amenity space. Moreover, an insufficient amount of garden amenity space would be provided at the existing host dwelling at No.36.

The application is therefore considered to conflict with Policies DP6 and DP26 of the District Plan, Policies 4, 9 and 14 of the Hassocks Neighbourhood Plan and Policies LR2(1)(d) and DP3 of the NPPF.

As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that *'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'*.

Policy S3 of the NPPF states that there is a presumption in favour of sustainable development and notes that Policy S4 should be applied when considering proposals within settlement boundaries. Policy S4 elaborates that development should be approved within settlements unless the benefits of doing so would be substantially outweighed by any adverse effect.

Policy S4 elaborates that the benefits of approving development are likely to be outweighed by adverse effects in situations where development would be assessed against Policy L2(1)(d) among other matters. As found earlier in the report, the proposed development is not consistent within the street scene

As there are no policies in the District Plan which positively favour development of this kind in this location, there would be a conflict with the development plan as a whole. These factors weigh heavily against the proposal.

On the positive side, the proposal would result in the provision of a new residential unit on site which would make a minor yet positive contribution to the district's housing supply. Because of the small scale of the development, this benefit is considered to attribute limited weight.

In weighing up these issues, when taken together, it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal. The proposed development is considered to be contrary to District Plan Policies DP6 and DP26 and Neighbourhood Plan policies 4,9 and 14 and L2(1)(d) and DP3 of the NPPF and there are no other material planning considerations to justify a decision otherwise than in accordance with the development plan.

In summary, the planning balance is considered to fall significantly in favour of refusing planning permission.

Decision: Refusal

Case Officer: Stefan Galyas