

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1363	Case Officer:	Stefan Galyas
Application Type:	Householder Application		
Proposal:	Single storey rear extension and single storey side extension		
Site:	3 Dairy Cottages, High Beeches Lane, Handcross, Haywards Heath, West Sussex, RH17 6HQ, ,		
Validation Date	2 Jun 2025	Overall Expiry Date:	3 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	6 Oct 2025
Target Date:	28 Jul 2025	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	7 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1363

**3 Dairy Cottages, High Beeches Lane, Handcross, Haywards Heath, West Sussex, RH17 6HQ,
Single storey rear extension and single storey side extension
Scott**

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the current proposal.

SUMMARY OF CONSULTEES

Southern Water: No objection.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: No objection.

INTRODUCTION

The application seeks planning permission for a single storey rear and side extension as well as for the development of a granny annexe.

RELEVANT PLANNING HISTORY

11/01043/FUL - Two storey extension, internal alterations and proposed 4 bay garage. Permission 15.06.2011.

SITE AND SURROUNDINGS

The application relates to 3 Dairy Cottages, a two storey detached dwelling set to the northern side of the highway edge and accessed through a private driveway. The existing dwelling is set in association with a cluster of other buildings and is afforded ample garden amenity space out to the east. There are open fields and mature boundary planting set to the north and east of the site as well as other nearby residential dwellings to the south. In terms of external materials, the existing dwelling is composed of white timber effect cladding and bricks, a tiled roof and white uPVC windows.

With regard to the sites locality, it is considered that by virtue of countryside location that there is a verdant and rural character.

The site is not located within any designated settlement boundary and is sited in the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

The application seeks planning permission for the development of a single storey rear and side extension and for the development of a granny annexe. The proposed annexe would measure at 8.6m in length, 5m wide, 2.8m high to the eaves and 4.3m high to the ridge.

The proposed side and rear extension would measure at approximately 10m in length, 10m wide, 2.9m high to the eaves and 3.9m high to the highest point in the roof slope.

Proposed external materials would comprise white timber effect cladded and brick walls, a pitched tiled roof and a single ply flat roof membrane and white uPVC windows.

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 the 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:

DP4: Housing
DP12: Protection and Enhancement of Countryside
DP15: New Homes in the Countryside
DP16: High Weald Area of Outstanding Natural Beauty
DP21: Transport
DP26: Character and Design

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.

Neighbourhood Plan

Slaugham Neighbourhood Plan (September 2019)
Policy 1 - Protecting the Area of Outstanding Natural Beauty

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 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPB1 - Character and Design
DPC1 - Protection and Enhancement of the Countryside
DPC3: New Homes in the Countryside
DPC4 - High Weald Area of Outstanding Natural Beauty
DPH1: Housing
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPN2: Biodiversity Net Gain

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) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 9, 11, 12, 39, 48, 78, 82-84, 115-117, 131, 135, 139 & 189.

High Weald AONB Management Plan 2019-2024

The National Design Guide (2021)

ASSESSMENT

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

- Principle
- Protection, Conservation and Enhancement of the High Weald AONB and Countryside
- Design and Character
- Impact on Neighbouring Amenities
- Other Matters
- Biodiversity Net Gain

Principle

Policy DP12 of the Mid Sussex District Plan 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 proposal would develop a granny annexe on site and is not for agricultural purposes.

Policy DP6 of the Mid Sussex District Plan notes:

'The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- The site is contiguous with an existing built up area of the settlement; and*
- The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

- The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

Policy DP15 of the District Plan notes that granny annexes that are physically separate to the dwelling will be defined as a new home and will be subject to an assessment against the following criteria among other matters:

'Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

- o Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or*
- o In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or*
- o Affordable housing in accordance with Policy DP32: Rural Exception Sites; or*
- o The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.*

Accordingly, there is no 'special justification' for the application proposal and thus it is contrary to DP15.

There are no other relevant policies within the District Plan, any other development plan documents such as the Site Allocations document or the Neighbourhood Plan that would explicitly support the residential development of this site. The principle of the application conflicts with the development plan, in terms of what type of development is allowable under Policies DP12 and DP15.

As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.

Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;

'For decision-taking this means;

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;*
 - i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.'*

Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).

As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out of- date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. Whilst it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.

Therefore, the key test that must be undertaken when assessing this application is as set out within paragraph 11(d) of the NPPF.

Due to the location of the site within the countryside, the principle of the development of the site for dwellings in this location is contrary to the above policies in the District Plan as the intrinsic character and beauty of the countryside would be harmed by the proposal.

In addition, the sustainability of a site is a consideration. Policy DP21 of the District Plan relates to transport and requires schemes to be 'sustainably located to minimise the need for travel' and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'* A similar ethos is contained within paragraph 115 of the NPPF.

Although there is an existing timber build outbuilding on site, it is considered that this is of a modest footprint. The existing outbuilding comprises a singular room which has not been labelled on the floor plans. It is considered that the existing outbuilding can be considered as an incidental outbuilding towards the enjoyment of the existing dwelling by virtue of the overall limited size and scale.

The proposed outbuilding would comprise a bedroom, bathroom and lounge area. It is therefore not considered to be unreasonable to conclude that the proposal would be used as a granny annexe. Accordingly, the proposal is to be assessed as a new dwelling within a countryside location as per the requirements of DP15.

The site would be accessed through High Beeches Lane which has no street light or footpaths. Access to any services would be reliant on this route. The combination of the darkness of the routes for part of the year, especially on autumn and winter evenings and the relative distance to local services is likely to be unattractive to families with small children, the elderly, or those with mobility issues. As a result, future occupiers would have a high dependence on the use of motor vehicles to access local services.

Therefore, the proposed land use is not considered to be acceptable in principle and would be contrary to Policies DP6, DP12 and DP15 of the District Plan.

Protection, Conservation and Enhancement of the High Weald AONB and 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*. 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.

Policy DP16 of the District Plan requires proposals in the AONB to conserve or enhance natural beauty.

Policy 1 of the Slaugham Neighbourhood Plan states that:

Development proposals within the High Weald AONB will only be supported where they conserve or enhance natural beauty and have regard to the High Weald AONB Management Plan in particular:

- 1. The identified landscape features or components of landscape beauty and to their setting;*
- 2. The traditional interaction of people with nature and appropriate landscape management;*
- 3. Character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- 4. The conservation of wildlife and cultural heritage.*

Small scale proposals which support the local economy and social wellbeing of the AONB will be supported where they are compatible with the conservation and enhancement of the AONB.

Development proposals on land that contribute 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 does not adversely affect the views into, and out of, the AONB by virtue of its location and/or design.

Paragraph 189 of the NPPF is also relevant as it 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.'

Among other matters, the High Weald AONB (National Landscapes) is valued for its rural setting, scenic views and dark skies as outlined within the High Weald AONB Management Plan 2019-2024. The site is rural in character with views over to open fields in the distance and verdant mature trees sporadically positioned nearby.

As identified within the principle of development section of the report, the proposed annexe would amount in the development of a separate dwelling within the open countryside. The proposal would fail to meet the provisions of being considered under Paragraph 84 of the NPPF which allows for the development of dwellings within countryside locations subject to proposals being of an exceptional design quality. The proposal would result in an urbanising feature within a quiet verdant location within the High Weald AONB. This will likely intensify the residential use in terms of external domestic

paraphernalia, human activity and noise, create additional on site parking, transport generation and additional local highway use.

Accordingly, the proposal is not considered to conserve, protect nor enhance the High Weald AONB or the open countryside. To this end, the proposal would fail to comply with Policies DP12 and DP16 of the District Plan, Policy 1 of the Slaugham Neighbourhood Plan and Paragraph 189 of the NPPF.

Design and Character

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'*

Principle DG49 of the Mid Sussex Design Guide states:

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

Principle DG50 of the Mid Sussex Design Guide elaborates further on what constitutes 'good design' in relation to side extensions:

'Side extensions should normally be subservient to the original dwelling and typically be set-back from the front of the house to help define the original building.'

The gaps between dwellings can sometimes positively contribute to articulating (for example, through the consistent rhythm of repeated houses) and adding interest in a street frontage or by providing views / visible connections to the surrounding countryside. Side extensions will therefore need to appropriately respond to the character of the street form and will not normally be accepted where they close an important gap and view.'

In terms of rear extensions, principle DG51 states:

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

The National Design Guide (2021) states in Paragraph 44 that:

"to communicate the benefits of a scheme, it is important to explain how the design of a development relates to context and local character." It adds that

"well-designed places and buildings are influenced positively by:

- o The history and heritage of the site, its surroundings and the wider area, including cultural influences;*
- o The significance and setting of heritage assets and any other specific features that merit conserving and enhancing;*
- o The local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of facades, characteristic materials and details" (Paragraph 46).*

The existing dwelling is considered of a relatively unique lodge style and layout, featuring front gables at both ground and first floor level, a rear (east) ground floor verandah and a single storey stepped side (north) offshoot. The existing timber-built outbuilding is considered to be of a modest size and scale with a pitched roof design. It is considered that the existing outbuildings limited footprint and soft external materials give rise to a subservient appearance towards the main dwelling on site.

The proposal would be contained to a single storey size and would increase the footprint when compared to the existing outbuilding. It is considered that the use of more permanent external materials such as brick exterior walls would not relate well towards the main timber clad dwelling on site. Nevertheless, this harm is not considered to be so significant to warrant a refusal on this basis.

A single storey rear extension would be developed which would be linked to the existing dwelling and single storey offshoot. This element taken in isolation is considered to reflect the design of the existing dwelling, featuring a canopy to the west and a comparable hipped roof design form.

In light of the above, it is considered that the proposal would meet the provisions of DP26 of the Mid Sussex District Plan, The Mid Sussex Design Guide, The National Design Guide and Paragraph 135 of the NPPF.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, 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 DP29);'*

The proposal would be sited away from any nearby neighbouring properties and as such would not give rise to significant harm through overlooking, overbearing or overshadowing.

Accordingly, the proposal is considered to comply with the provisions of DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

Other Matters

Discussions between the Applicant and the Case Officer were had throughout the applications life cycle in order to revise the scheme to sufficiently address concerns. A wholly detached outbuilding was suggested; however revised scheme did not address concerns with regard to the quantum of internal accommodation. The Council has acted both positively and proactively towards the determination of this current application.

The Applicant expressed their desire for the revised scheme to be determined which shows the proposal as a granny annexe. The description of development has not been agreed prior to determination and whilst the current scheme is described as *'Single storey rear extension and single storey side extension'* a more appropriate description would have been *'Proposed single storey granny annexe'*.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. The proposed scheme has been submitted under a householder application type which would typically be exempt from BNG requirements. However, the proposal has been

assessed as a separate dwelling within the open countryside as per the requirements of DP15. The application has not been supported by additional BNG details and therefore does not meet statutory requirements.

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.

Paragraph 189 of the National Planning Policy Framework identifies that great weight should be given towards conserving and enhancing the landscape and scenic beauty in AONBs (National Landscapes) whilst Paragraph 115 requires sustainable transport to be prioritised in new development proposals. As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out of date (footnote 8 of paragraph 11 NPPF). However, the proposal would conflict with the policies of the Framework in relation to an AONB. These policies provide a strong reason for refusal and it is considered that the presumption in favour of sustainable development in paragraph 11 of the NPPF do not apply.

Accordingly, the proposal does not constitute sustainable development as defined by the NPPF. The proposal would fail to conserve or enhance the natural beauty of the High Weald Area of Outstanding Natural Beauty and fail to protect the intrinsic character and beauty of the countryside. The proposal therefore fails to comply with Policies DP4, DP6, DP12, DP15, DP16, DP21 and DP26 of the Mid Sussex District Plan, Policy 1 of the Slaugham Neighbourhood Plan, The Mid Sussex Design Guide SPD and the National Planning Policy Framework. There are no other material planning considerations to justify a decision otherwise than in accordance with the development plan.

Decision: Refusal

Case Officer: Stefan Galyas