

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1102	Case Officer:	Jessica Szollosi
Application Type:	Householder Application		
Proposal:	Retrospective planning application for single storey side extension and replacement rear doors.		
Site:	2 Buttinghill Drive, Cuckfield, Haywards Heath, West Sussex, RH17 5GQ, , ,		
Validation Date	6 May 2026	Overall Expiry Date:	24 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	1 Jul 2026
Target Date:	1 Jul 2026	Recommending Officer Signature:	<i>Jessica Szollosi</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	1 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1102

**2 Buttinghill Drive, Cuckfield, Haywards Heath, West Sussex, RH17 5GQ, ,
Retrospective planning application for single storey side extension and replacement rear doors.
Mr And Mrs Smith**

SUMMARY OF REPRESENTATIONS

One third party letter of representation has been received from the neighbouring property located directly west of the proposed development objecting to the application on the following grounds:

- Siting, dimensions and relationship to shared boundary
- Impact on neighbouring amenity
- Materially larger and more intrusive than indicated in the plans
- Development results in a cramped and overbearing relationship between two properties
- Plans do not accurately reflect the dimensions and relationship to the boundary shown on submitted drawings and council is requested to verify these

SUMMARY OF CONSULTEES

None.

PARISH COUNCIL OBSERVATIONS

The Cuckfield Parish Council commented:

'Committee expressed disappointment that the application had been submitted retrospectively but acknowledged that, given the small scale of the development, it was understandable that there may have been confusion as to whether planning permission was required.'

'Committee was not minded to object to the proposal in principle and agreed to defer to the expertise of the Planning Department regarding the determination of the application and verification of the development's dimensions.'

INTRODUCTION

This application seeks retrospective planning permission pursuant to S. 73a of the Town and Country Planning Act 1990, as amended, for a single storey side extension and replacement rear doors.

RELEVANT PLANNING HISTORY

09/03857/OUT - Residential development of 42 dwellings, access road and childrens play area - Refused 15/06/2010

APP/D3830/A/10/2132146 - Residential development of 42 dwellings, access road and childrens play area - Appeal Allowed 24/02/2011

12/01497/REM - Reserved matters application for residential development of 42 dwellings pursuant to outline planning permission ref: 09/03857/OUT - Permitted 23/07/2012

SITE AND SURROUNDINGS

The property which forms the subject of this retrospective planning application is a three storey southeast facing detached residential dwelling with detached double garage located at the end of a

private cul-de-sac within an established residential estate. The application dwelling comprises a brick and screened façade, white uPVC fenestration and plain red roof tiles. To the rear, the fenestration on the first floor is white uPVC and at ground level, the pre-existing white uPVC French doors and single window have been replaced with black aluminium bifold doors, which forms the basis of this application, together with the side extension to the west of the property.

The application site has a detached double garage providing parking for two cars and availability for approximately four further vehicles to park on the road outside the dwelling forward of the principal elevation. There is also further parking availability in a nearby layby.

The application site is located within the Built Up Area of Cuckfield and the High Weald Area of Outstanding Natural Beauty.

The locality is semi-rural and the application site is characterised by its verdancy. A wooded area is located to the north, east and south of the site. To the south, beyond the wooded area, a public right of way runs from west to east and the application site is screened from this by the wooded area. Located directly west of the site is 4 Buttinghill Drive, a detached three storey property, constructed in a similar design and materials to the application site. To the northeast of the site, the boundary of 8 Buttinghill Drive meets the application site boundary at the end of their respective rear gardens.

APPLICATION DETAILS

The retrospective application is made pursuant to S. 73a of the Town and Country Planning Act 1990, as amended, and seeks retrospective planning permission for a single storey side extension and replacement rear doors.

The proposed development comprises a single storey side extension to extend the west elevation of the main dwellinghouse by some 2 metres on the principle elevation, which is tapered to the north due to boundary positioning, measuring approximately 1.65 metres from the north west corner at the rear of the property. The proposed extension forms a utility room, water closet (WC) and office and comprises a single uPVC window on both the south and north elevation. The extension has no windows on the west elevation.

The proposal includes the removal of two pre-existing white uPVC French doors and a single window on the north elevation of the property at ground level, replacing this with two black aluminium bifold doors to the rear of the property at ground level.

Planning permission is required due to the location of the application site within the High Weald Area of Outstanding Natural Beauty.

In terms of Schedule 2, Part 1 (A) of The Town and Country Planning (General Permitted Development) (England) Order 2015,

*'In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if:
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse.'*

In terms of Schedule 1, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015, Article 2(3) Land is defined as

'Land within—

- (a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);*
- (b) an area of outstanding natural beauty;*
- (c) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside);*
- (d) the Broads;*
- (e) a National Park; and*

(f) a World Heritage Site.'

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 Cuckfield 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 it 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
DP26 - Character and Design

Site Allocations Development Plan Document

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

There are no relevant policies.

Cuckfield Neighbourhood Plan

The Cuckfield Neighbourhood Plan was made in May 2014.

Relevant policies:

CNP 1 - Design of new development and conservation
CNP 10 - Building Extensions within and outside the built up area boundary

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 the 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:

DPS2 - Sustainable Design and Construction
DPN2 - Biodiversity Net Gain
DPC4 - High Weald Area of Outstanding Natural Beauty
DPB1 - Character and Design

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Policy

The National Planning Policy Framework (NPPF) 2023 is also a material consideration and paragraphs 8, 11, 131 and 135, 189, 190 are considered to be relevant to this application.

National Design Guide (Published January 2021)

High Weald AONB Management Plan 2024-2029

ASSESSMENT

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

- Protection, Conservation and Enhancement of the High Weald AONB and Countryside
- Design and Character
- Impact on Neighbouring Properties
- Biodiversity Net Gain
- Planning Balance and Conclusion

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. Section 82 reiterates the main 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 Mid Sussex District Plan requires proposals in the AONB to conserve or enhance natural beauty.

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 Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.'

Policy CNP1 of the Cuckfield Neighbourhood Plan states that:

*'New development in accordance with the Neighbourhood Plan will be permitted where it:
c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan'*

The modest scale of the proposal is considered to have a neutral impact on the natural beauty of the National Landscape due to the proposals scale, form and siting within the existing established residential curtilage. As such, the proposal would comply with the requirements of Policy DP16 of the District Plan, Policy CNP 1 of the Cuckfield Neighbourhood Plan, the requirements of the High Weald Management Plan and the NPPF.

Design and Character

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:

- 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 Protects valued townscapes and the separate identity and character of towns and villages;*
- 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 (see Policy DP27);*
- o Creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o Incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o Positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o Optimises the potential of the site to accommodate development'.*

Policy CNP 10 of the Cuckfield Neighbourhood Plan relating to building extensions within and outside the built up area boundary states that:

'Building extension will be permitted where it meets the following criteria:

- a) The scale, height and form fit unobtrusively with the existing building and the character of the street scene.*
- b) Spacing between buildings would respect the character of the street scene.*
- c) Gaps which provide views out of the village to surrounding countryside are maintained.*
- d) Materials are compatible with the materials of the existing building.*
- e) The traditional boundary treatment of an area is retained and, where feasible, reinforced'*

The Mid Sussex Design Guide seeks high quality design from all proposed development.

The application property is a three storey detached dwelling located at the end of a private road within a cul-de-sac. The dwelling comprises a brick and screened façade, white uPVC fenestration and plain red tile roof with a detached double garage located perpendicular to the main dwellinghouse. The white uPVC fenestration on the north elevation at ground level has been replaced with black fenestration. The site is located in the High Weald Area of Outstanding National Beauty and within the built up area boundary of Cuckfield. The site is surrounded by wooded area to the north, east and south of the site, characterising the area as low-density and verdant.

Residential properties are located beyond the wooded area to the north and east of the site. To the south of the site beyond the wooded area, a public right of way runs from west to east. The site is screened from the public right of way by dense trees and shrubs. Located to the west of the site, 4 Buttinghill Drive is a three storey detached residential dwelling built in a similar design and materials to the application site.

The external works include a single storey extension to the west of the dwellinghouse, comprising a brick façade and red roof tiles to match the materials used on the existing dwellinghouse. A single white uPVC window has been installed on the principal elevation to match the existing windows. One black uPVC

window has been installed on the north elevation of the extension to match the black aluminium bifold doors which replaced the pre-existing white uPVC French doors and a single white uPVC window on the north elevation at ground level.

The brick façade, red roof tiles and white uPVC fenestration on the principle elevation match the existing materials and would be considered to integrate seamlessly with the existing dwellinghouse. However, the design and colour of the black fenestration on the north elevation at ground level would be considered a more modern addition which does not match the existing fenestration and the contrasting design and materials are considered regrettable. These additions are limited to the rear of the property at ground level, are not visible from the street scene and are concealed behind a close boarded boundary fence. As such, the black fenestration on the north elevation would not be considered to cause substantial harm to the design and character of the area.

It is considered that the proposed development is modest in scale and the development would not be considered incongruent with the surrounding properties. The scale, form and siting of the one storey side extension would not be considered overbearing as it does not impact the street scene or the surrounding properties from a design and character perspective.

In light of the above, the proposed development would not be considered to have a significantly harmful impact on the design and character of the area or the application dwelling and therefore the proposal is considered to comply with policy DP26 of the Mid Sussex District Plan and policy CNP 10 of the Cuckfield Neighbourhood Plan.

Impact on Neighbouring Amenity

Policy DP26 relates to amenity and states in part that development proposals 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.'

The test under policy CNP10 of the Neighbourhood Plan states in part requires the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.

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 DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

With regards to the impact on neighbouring amenity, the proposal is not considered to cause any significant harm in terms of noise, air or light pollution.

Given the modest scale of the proposal and the screening of the site to the north, east and south by the wooded area, the properties located beyond this are unlikely to experience any harm to neighbouring amenity. Located to the north west of the site, 8 Buttinghill Drive is unlikely to experience any impacts in terms of privacy, outlook, daylight and sunlight given the scale and siting of the development and the separation of distance between these two properties.

4 Buttinghill Drive, a three storey detached dwelling is located directly west of the application site and adjacent to the proposed development. This property has an attached garage which is located between the dwellinghouse and application site. Forward of the garage is a driveway providing parking for 2 cars.

The proposed development is single storey and does not have any windows on the west elevation overlooking this property. Furthermore, the habitable rooms within 4 Buttinghill Drive are separated from the proposed extension by its attached garage. Therefore, it is not considered to cause harm in terms of privacy. The proposed side extension runs the width of the dwellinghouse and is one storey high. As such, it would not be considered to cause any impacts in terms of overlooking and daylight and sunlight.

Furthermore, an acceptable level of separation continues to exist between the site and surrounding properties and due to the absence of windows on the west façade and access to the rear of the application site via the east elevation, the extension would not be considered intrusive to 4 Buttinghill Drive. Moreover, the attached single garage of 4 Buttinghill Drive provides a separation of distance between the development site and the habitable rooms within this property and it would not be considered to cause an overbearing or intrusive relationship due to its modest scale, form and siting. The proposed development is understood by the Council to have taken place within the application property's legal boundary.

Given the above, the development would not be considered to cause significant harm to the amenity of the surrounding properties and thereby complies with this part of DP26 of the Mid Sussex District Plan and policy CNP 10 of the Cuckfield Neighbourhood Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

This planning permission is also being granted on an application made under S. 73a of the Town and Country Planning Act 1990 and is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

In conclusion, the development would accord with the requirements of policies DP16 and DP26 of the Mid Sussex District Plan, Policies CNP 1 and CNP 10 of the Cuckfield Neighbourhood Plan, the High Weald Management Plan and the relevant provisions of the NPPF given that the proposed development is appropriate in terms of design, form and scale and will not negatively impact the dwelling or the character of the surrounding area and will not harm the neighbouring amenities.

The development is therefore considered acceptable.

Decision: Permission

Case Officer: Jessica Szollosi