

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1794	Case Officer:	Andrew Horrell
Application Type:	Full Application		
Proposal:	New plant in rear yard within new ACE acoustic enclosure. Construct new single storey flat roof extension. New Steel security door. New ventilation. New external LED lighting to replace existing. Shop front repairs and decorations. New car park repairs and walkways.		
Site:	The Co-operative Food, Whitemans Green, Cuckfield, Haywards Heath, West Sussex, RH17 5BY, ,		
Validation Date	18 Jul 2025	Overall Expiry Date:	7 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	19 Dec 2025
Target Date:	12 Sep 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	Joanne Fisher	Date:	22 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1794

The Co-operative Food, Whitemans Green, Cuckfield, Haywards Heath, West Sussex, RH17 5BY, New plant in rear yard within new ACE acoustic enclosure. Construct new single storey flat roof extension. New Steel security door. New ventilation. New external LED lighting to replace existing. Shop front repairs and decorations. New car park repairs and walkways.
The Co-operative Group

SUMMARY OF REPRESENTATIONS

A letter of objection has been received on the following grounds:

- Light pollution

SUMMARY OF CONSULTEES

Mid Sussex Environmental Protection: In my opinion, to ensure a proper BS4142 assessment, a longer and more robust measurement period is necessary to establish a truly representative background level in this area. However, a plant noise level of 35 dB LAeq may be acceptable in principle and, if the consultant can confirm that the plant will be inverter driven, I will accept his conclusions. I would recommend that conditions are applied to ensure that the plant is installed in accordance with the report from Acoustical Control Engineers and Consultants, Report Reference: B5716 2025-09-15 R, and that installation and associated deliveries to site take place within accepted hours for construction.

The applicant should be made aware that having planning permission in place is no defence against a statutory noise nuisance being caused or allowed to occur. Should the Environmental Protection team receive a complaint once the plant is operational, we are required to investigate under the provisions of the Environmental Protection Act 1990 and must take formal action where a statutory noise nuisance is in existence.

Regarding the proposed lighting, I accept the Exterior Spill Light Analysis by Signify dated 02.09.2025 and would recommend that a condition be applied requiring that lighting is installed in accordance with this report.

Mid Sussex Conservation Officer: The proposed extract grilles are now shown on the elevations and are not considered contentious, ditto the replacement lighting, the works to the shopfront have been amended to retain and refurbish the existing doors which is welcomed and an elevation has been provided to show the secondary entrance door retained and fixed shut which is acceptable. The duct would be better with some kind of housing around it to screen it from view. However, the impact on the character and appearance of the Conservation Area is likely to be minor.

Mid Sussex Drainage: The flood risk and drainage team have no objection to the proposed development and recommend that drainage is managed via Building Regulations and Building Control, as necessary.

Southern Water: No objections

PARISH COUNCIL OBSERVATIONS

Committee raised concerns regarding the potential noise impact of a constant hum on neighbouring properties, particularly during the summer months, as well as the possible lighting nuisance from the proposed external LED installation. Committee agreed that these matters should be referred to the expertise of the Mid Sussex Environmental Officer. Committee also agreed that the shop front repairs and decorations should remain under the guidance of the Heritage Officer.

INTRODUCTION

Planning permission is sought for a new plant in rear yard within new ACE acoustic enclosure, a new single storey flat roof extension, a new Steel security door, new ventilation, new external LED lighting to replace existing with shop front repairs and decorations with associated new car park repairs and walkways

RELEVANT PLANNING HISTORY

14/02822/FUL - Installation of new entrance; single storey extension to rear; creation of plant area/bin store. (Approved)

DM/25/1093 - Replace existing signage with new almost like for like signage. (Advertisement consent given)

SITE AND SURROUNDINGS

The application site is a local convenience store. Lying on a prominent plot south of the roundabout the building is a two storey building previously in use as a public house. The building is characterised by a mix of brickwork, painted render and hanging tiles. It benefits from timber fenestration with access into the building from the primary front elevation.

To the west of the main building lies vehicle access to the site and a large car park for use in connection with the building, to the north is the highway, to the south is close boarded fencing with properties in Brock End beyond and to the east is to adjacent Wealden Stores.

The site is within the built up area of Cuckfield and the Whitemans Green Conservation Area.

APPLICATION DETAILS

The existing plant is to be removed.

The new plant in the rear yard is to be within a new ACE acoustic enclosure to approximately measure 2.7m in depth, 3.3m in width with a height of 2m. It will have new side ventilation extract.

The new single storey flat roof rear extension approximately measures 5m in depth, 6.3m in maximum width with a height of 3m. This will serve a new WC, office and staff room.

A new steel security door is proposed to the side elevation facing the car park serving the goods entrance. New ventilation with 250mm duct on the rear elevation, with new external LED lighting to replace existing above the security door and above the plant on the side elevation and above the front entrance to the store.

Shop front repairs and decorations include new front doors and new shop front window frames.

Other external alterations include the re-tarmacking of the existing car park and a new painted pedestrian walkway between the car park and store entrance

LEGAL FRAMEWORK AND LIST OF POLICIES

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Document and the 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 is an important material consideration.

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

Mid Sussex District Plan

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

Relevant policies:

DP26: Character and Design
DP29: Noise, Air and Light Pollution
DP35: Conservation Areas
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.

There are no relevant policies.

Neighbourhood Plan

Cuckfield Neighbourhood Plan (Made May 2014)

Policy CNP1 - Design of New Development and Conservation
Policy CNP10 - Building Extensions Within and Outside the Built-Up Area Boundary
Policy CNP13 - Shop Fronts and Advertisements

Other Material Considerations

Mid Sussex District Plan 2021-2039 Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and 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:

DPN7 - Noise Impacts
DPB1 - Character and Design
DPB3 - Conservation Areas

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 also a material consideration and paragraphs 8, 11, 131, 135 and 207 - 215 are considered to be relevant to this application.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 72(1) - Special attention to be paid to preserving or enhancing the character or appearance of a conservation area.

Design and Impact on the Character of the Conservation Area

Policy DP26 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 DP29);*
- 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 DP35 of the District Plan states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- o Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
- o Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
- o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
- o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

Cuckfield Neighbourhood Plan policy CNP1 states:

'New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
 - i. height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
- b) Is sympathetic to the setting of any heritage asset and*
- c) Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) Makes best use of the site to accommodate development.'*

Policy CNP10 relates to building extensions and states that

' Building extensions 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 and*
- f) The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded'.*

CNP13 relates to shop fronts and states in part:

'Proposals for new shop fronts, or alterations to existing shop fronts, will be permitted where the following criteria are satisfied:

- a) The proposal would not result in the loss of a traditional shop front or features and details of architectural or historic interest;*
- b) The proposal would be in sympathy with the architectural style, materials and form of the building(s) of which it would form part and the character of the Conservation Area'*

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

Paragraphs 207, 212 - 215 of the NPPF are most relevant and state:

'207. In determining planning applications, local planning authorities should take account of:

- o the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- o the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

o the desirability of new development making a positive contribution to local character and distinctiveness.

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c) and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The new plant and extension are modest enlargements to the building, they will use matching materials (Plant - painted render and extension - brickwork with white rendered finish) to the existing building and whilst they will be viewed from the car park associated with the shop and by extension public viewpoints from the north-west they will be viewed in the context of the existing building.

The external alterations to the side and front of the building are minor changes and are not out of character with the existing building.

The Conservation Officer as outlined above has no issue with the proposals in terms of impact on the Whitmans Green Conservation Area. The officer agrees with the Conservation Officer that the proposal preserves the character of the Conservation Area.

Therefore, the proposal is deemed to comply with policies DP26 and DP35 of the Mid Sussex District Plan, CNP1, CNP10 and CNP13 of the Cuckfield Neighbourhood Plan, the Mid Sussex Design Guide SPD and the relevant paragraphs of the NPPF.

Impact on Residential Amenity

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states that it must be demonstrated that any 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.

Policy CNP10 states that proposals should "safeguard" adjoining neighbours 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 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.

Also relevant is District Plan Policy DP29 Noise Pollution with regards to potential noise impact from the new use is. This policy states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;
o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

o an assessment of the impact of noise generated by a proposed development; or
o an assessment of the effect of noise by an existing noise source upon a proposed development'

Given the single storey nature of the proposed development there will be no impact on terms of light, outlook and privacy and overlooking.

In terms of light pollution, the proposed lighting scheme is deemed acceptable by the Council's Environmental Protection Team subject to condition. The Planning Officer has no reason to disagree with this view. The exterior spill light analysis confirms that plant lighting will only be used during maintenance, and post-curfew spill light levels based on plant lighting, and the entrance is switched off at a pre-determined time.

In terms of noise pollution, a report has been submitted in relation to the noise impact of the proposed plant. Whilst the submitted report does not robustly test the full acoustic context of the site, as noted within the comments of the Environmental Protection Officer, it is deemed that a plant noise level of 35 dB LAeq may be acceptable in principle and, if the applicants consultant confirms that the plant will be inverter driven, the conclusions of the acoustic report will be accepted.

It has been confirmed that the plant will be inverter driven and therefore the noise impact of the proposal is deemed acceptable. A condition can be placed on the approval in respect of this, but it should be noted that an informative will be placed on the approval outlining that the granting of planning permission is wholly separate from noise pollution complaints under the Environmental Protection Act 1990.

Therefore, in terms of neighbouring amenities, the proposal is deemed to comply with DP26 and DP29 of the Mid Sussex District Plan and CNP10 of the Cuckfield Neighbourhood Plan.

Flood Risk and Drainage

Policy DP41 seeks to ensure that development is satisfactorily drained and does not cause a risk of flooding off site.

The site is located in an area of very low risk of flooding from all sources.

The Council's Drainage Engineer has raised no objection to the proposal and recommends that drainage is managed through Building Regulations.

The Planning Officer has no reason to disagree with the comments of the Drainage Engineer and therefore the proposal is considered to comply with policy DP41 of the District Plan in respect of flood risk and drainage.

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 comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposal is deemed acceptable in terms of character and design, impact on the Whitemans Green Conservation Area, neighbouring amenities, light and noise pollution and flood risk.

In conclusion, the proposal would accord with the requirements of policies DP26, DP35 and DP41 of the Mid Sussex District Plan and policies 1, 10 and 13 of the Cuckfield Neighbourhood Plan and the relevant paragraphs of the NPPF. It is therefore considered acceptable.

Decision: Permission

Case Officer: Andrew Horrell