

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1610	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Change of use to part of shop Willis and Co (Use Class E(a)) to residential (Use Class C3(a)) to add living space to existing dwellinghouse		
Site:	17A High Street, Cuckfield, Haywards Heath, West Sussex, RH17 5JU, , ,		
Validation Date	25 Jun 2025	Overall Expiry Date:	1 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	23 Sep 2025
Target Date:	20 Aug 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>Steven King</i>	Date:	24 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1610

**17A High Street, Cuckfield, Haywards Heath, West Sussex, RH17 5JU, ,
Change of use to part of shop Willis and Co (Use Class E(a)) to residential (Use Class C3(a)) to
add living space to existing dwellinghouse
David Willis**

SUMMARY OF REPRESENTATIONS

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

SUMMARY OF CONSULTEES

Conservation Officer *'I note that this application does not appear to be accompanied by a listed building consent application- the works will affect the special interest of the listed building due to the impact on plan form and fabric. In my opinion, it would be inappropriate to consider this application in the absence of a parallel listed building consent, as the change of use would appear to depend on these physical alterations.*

In terms of the principle of the change of use, I would be concerned that the significant reduction in the already modest floor area of the retail unit may adversely affect its viability. Given that the building is a purpose-built shop, the continuing retail use of the ground floor building contributes positively to its special interest, and a proposal which may jeopardise this would not be supported. The potential loss of a shop unit at this central location on Cuckfield High Street would also be harmful to the character and appearance of the Conservation Area. I would therefore recommend that the applicant is asked to provide evidence to demonstrate that the loss of the rear part of the shop will not have this potential effect.

[...] For these reasons I would consider these applications to be contrary to the requirements of District Plan Policies DP34 and DP35. In terms of the NPPF, I would place the harm caused in both cases as less than substantial, at around the mid-range of that scale.'

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: *'No comment - committee resolved to defer to the expertise of the heritage officer. Committee also noted that data available from the consultation list was in part obsolete with several of the consultees/businesses no longer existing and others missing.'*

INTRODUCTION

The application seeks planning permission for the part change of use of an existing shop (Class E) to residential (Class C3) in order to add further living accommodation at ground floor level.

RELEVANT PLANNING HISTORY

CU/153/78 - Change of use from shop to private residence. Refusal 18.07.1978.

DM/16/0240 - Change of use, in shop, from A1/A2 (mixed retail and Beauty Treatment) to A1 (retail only) with erection of a partition to create a workroom/office. Change of use, in residence, from A1 retail to C3 residential (sitting room). Permission 21.03.2016.

DM/16/0343 - Change of use, in shop, from A1/A2 (mixed retail and Beauty Treatment) to A1 (retail only) with erection of a partition to create a workroom/office. Change of use, in residence, from A1 retail to C3 residential (sitting room). Permission 21.03.2016.

DM/23/1267 - Partially demolish existing garden wall due to structural failure and rebuild wall to match existing. Permission 21.06.2023.

DM/23/1268 - Partially demolish existing garden wall due to structural failure and rebuild wall to match existing. Permission 21.06.2023.

DM/25/0745 - Retrospective application for the Installation of 3no. conservation style roof windows to ground floor rear roof and 1no. conservation style roof window to rear of main roof slope. Permission 15.05.2025.

DM/25/0746 - Retrospective application for the Installation of 3no. conservation style roof windows to ground floor rear roof and 1no. conservation style roof window to rear of main roof slope. 15.05.2025.

SITE AND SURROUNDINGS

The application relates to 17A High Street which forms one half of a pair of semi detached retail units with associated residential uses at ground and first floor level. The existing building abuts the pavement edge to the western side of the High Street and is set in a linear plot form, featuring rear garden amenity space stretching out in a north-western direction. The application site is subject to a joint listing along with No.18 to the south-west and has the following list description:

'NW CUCKFIELD HIGH STREET (west side) 7/52 Nos 17 and 18 GV II Purpose built shops with accommodation above. Dated 1871 in stone shield above first floor windows. Ardingly Sandstone ashlar and Cuckfield stone, the north side rendered, the west elevation brick, tiled roof. 2 parallel ranges with splayed corner to south. 2 to 3 storeys, 5 windows. Almost symmetrical range with central pair of gables with fretted barge-boards having pendants and finial. 5 horned sashes with 6 panes and cambered heads. Ground floor has 2 splayed bays and later shop fronts. Included as a good example of C19 purpose-built shop in vernacular materials and for group value.'

With regard to constraints, the site is positioned within the Cuckfield Conservation Area which is also subject to an Article 4 Direction. The site is also set within the Built-Up Area for Cuckfield. There are a number of other grade II listed buildings both to the north and south of the site.

APPLICATION DETAILS

The development proposal includes the change of use of the existing rear part of the retail unit into a residential use. In order to facilitate this conversion, the existing partition line will be infilled whilst the existing doorway to the hallway would be opened to provide access.

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) And 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 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.

Mid Sussex District Plan

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

Relevant policies:

DP1: Sustainable Economic Development

DP3: Village and Neighbourhood Centre Development

DP26: Character and Design

DP29: Noise, Air and Light Pollution

DP34: Listed Buildings and Other Heritage Assets

DP35: Conservation Areas

DP39: Sustainable Design and Construction

Site Allocations DPD

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

Relevant policies.

Neighbourhood Plan

Cuckfield Neighbourhood Plan (Made May 2014)

Policy CNP1 - Design of New Development and Conservation

Policy CNP11 - Cuckfield Village Centre

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) - Special regard to be had to the preservation of a listed building or its setting.

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

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 the 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

DPN4 - Trees, Woodland and Hedgerows

DPN6 - Pollution

DPN7- Noise Impacts

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPB3 - Conservation Areas

DPE7 - Smaller Village and Neighbourhood Centres

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.

Cuckfield Conservation Area Appraisal (Adopted January 2007)

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 2, 8, 11, 39, 48, 96, 98, 131, 134, 135, 139, 189, 207, 208, 209, 212-215, 219 & 220.

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide

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.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

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, Including Heritage Assets
- Impact on Neighbouring Amenities
- Other Matters
- Biodiversity Net Gain

Principle

Among other matters, the District Plan notes:

'The total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year. This will be achieved by:

o Encouraging high quality development of land and premises to meet the needs of 21st century businesses;

o Supporting existing businesses, and allowing them room to expand;

o Encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries; and

o Seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections. [...]

Effective use of employment land and premises will be made by:

o Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;

o Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;

o Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).'

Policy DP3 of the Mid Sussex District Plan states that:

'These are defined as the village centres of Crawley Down, Cuckfield, Hassocks, Hurstpierpoint and Lindfield which meet the needs of their own communities and neighbouring small villages and countryside areas.

To support the village centres, development, including for mixed uses, will be permitted providing it:

- helps maintain and develop the range of shops and services to enable the village centre to meet local needs; and

- is appropriate in scale and function to its location including the character and amenities of the surrounding area; and

- is in accordance with the relevant Neighbourhood Plan.'

Moreover, Policy CNP11 of the Cuckfield Neighbourhood Plan requires that:

'a) Proposals for the change of use of premises to shop, financial and professional service, restaurant, cafe, public house, hot food takeaway, hotel, office, place of worship, public hall, health centre, crèche, day nursery, museum, library, art gallery and exhibition hall (Use Classes A1, A2, A3, A4, A5, B1, C1 and D1) will be permitted within Cuckfield village centre, as defined on Map 8 - Cuckfield Village Centre, provided a mix of uses is maintained. Extensions to such uses will also be permitted.

- b) Residential use of upper floors should be retained and encouraged where appropriate.*
- c) The loss of existing business premises (Use Classes A1, A2, A3, A4, A5, B1, and C1) within the village centre will be resisted unless an equivalent replacement facility is provided within the centre, or where it is demonstrated that the continued operation of a business or service is no longer financially viable. If a specific business or service is no longer financially viable, a use from the range of acceptable Use Classes should be sought for the premises.'*

The proposed development is considered to significantly erode the existing retail use of the ground floor and would only retain circa 23m² of retail floor space to the front of the unit. Although this would not result in the loss of the entire retail unit, it is considered that Policy CNP11 of the Cuckfield Neighbourhood Plan would still be applicable. Further information has been provided by the Applicant with regard to the future viability of the site; however, the examples provided in part are not considered to be applicable to the determination of the current application. Provided that the site is set within a village centre, the examples of retail units in London are not considered to be comparable. Other examples of nearby units which are less than the proposed 23m² are not subject to the same listing as the application building. In any event, each application is assessed based on its own merits and the remaining floor space is considered to hinder the retail use currently offered on site.

Accordingly, the proposal does not prove that the current operation is unviable and would not offer a replacement facility within the village centre. Furthermore, the remaining floor space is considered to be significantly less than the current offering on site. As such, the proposal would fail to comply with the provisions of policies DP1 and DP3 of the District Plan and CNP11 Cuckfield Neighbourhood Plan.

Impact on Character and Design, Including Heritage Assets

With regard to the setting of the listed building, DP34 requires:

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

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

In terms of the impact on the Cuckfield Conservation Area, 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.'

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 CNP1 of the Cuckfield Neighbourhood Plan states that:

'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.*

Paragraph 216 of the NPPF is relevant in this instance, stating that:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Significance is defined in Annex 2 of the NPPF as [*'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'*].

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

Given the sites location within the Cuckfield Conservation Area, the Council's Conservation Officer has been consulted. It was noted within their response that the building is sited in prominent plot with regard to the wider Conservation Area.

Paragraphs 212 - 215 of the NPPF states:

'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* listed 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; and*
- c) conservation by grant-funding or some form of not for profit, 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 below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the listed building or its setting in accordance with the requirements of Section 66 and to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Cuckfield Conservation Area Appraisal notes the following:

'To the north of the Ockenden Lane junction are No's 17 and 18 High Street, a substantial three-storey Victorian building erected in 1871(indicated on two stone shields above the first floor windows). The building is Listed Grade II for its group value. Built in sandstone ashlar, it is almost symmetrical, with two central gables with fretted bargeboards having pendants and finials. At first floor level there are five horned sash windows, each with sixpanes and cambered heads. The ground floor has two splayed bays and two late 20th century shop fronts (O'spa and Tesaro). The south corner alongside Ockenden Lane is splayed.'

Externally, the proposal would not change the existing building and no elevations have been provided as part of the current application. The proposed internal works would be subject to an assessment under a listed building consent application which at present has not been received.

It is noted that the list description states that the building is a purpose-built shop with accommodation above. As such, it is considered that this aspect contributes positively towards the special interest of the listed building as identified in the Conservation Officer's response. The proposed change of use would therefore result in an adverse impact towards the special interest in which the listed building is currently appreciated. In light of this, the proposed change of use is not considered to be appropriate within this location.

In light of the above assessment, the proposal is considered to result in harm to both the listed building and the Cuckfield Conservation Area. The level of harm as identified by the Conservation Officer is likely to be less than substantial, at the mid-range of the scale. Paragraph 215 of the NPPF requires Local Planning Authorities to weigh the identified less than substantial harm against the public benefits, including securing the optimal viable use. Whilst the proposal may create some local employment opportunity throughout the works to partition the ground floor and open the existing doorway, this benefit is considered to be limited. Otherwise, it is considered that the creation of ground floor living space and the reduction in commercial floor space would offer no other discernible public benefits.

Overall, it is considered that the proposal would adversely impact the special interest of the listed building and the character of the Cuckfield Conservation Area. Thus the proposal would be contrary to Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990. Moreover, the proposal would conflict with the provisions of Policies DP34 and DP35 of the District Plan, Policy CNP1 of the Cuckfield Neighbourhood Plan and Paragraphs 135, 212 and 215.

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);'*

Policy DP29 then relates to noise, air and light pollution:

'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;

Light pollution:

o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;

o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;

Air Pollution:

o It does not cause unacceptable levels of air pollution;

o Development on land adjacent to an existing use which generates air pollution or odour would not cause any adverse effects on the proposed development or can be mitigated to reduce exposure to poor air quality to recognised and acceptable levels;

o Development proposals (where appropriate) are consistent with Air Quality Management Plans.

The degree of the impact of noise and light pollution from new development or change of use is likely to be greater in rural locations, especially where it is in or close to specially designated areas and sites.'

The proposed residential use would be used in connection with the established residential use at first floor level. The proposed room would not be used as a habitable room and therefore would not be subject to further assessment against the nationally prescribed space standards.

Accordingly, the proposal is considered to comply with the provisions of DP26 and DP29 of the Mid Sussex District Plan in terms of neighbouring amenities.

Other Matters

The current application for full planning consent does not come accompanied by a listed building consent application at the time of writing. It is considered that an application of this type would be required in order to carry out works to the existing historic fabric of the listed building, including the partitioning of the building internally and the re-opening of the door to the proposed residential unit.

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 comprised development below the de-minimis threshold 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 Cuckfield Neighbourhood Plan.

The application must be assessed against the policies of the development plan taken as a whole, and this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP1 and DP3 of the District Plan and CNP11 of the Cuckfield Neighbourhood Plan. Conflict has also been identified with policies DP34 and DP35 as well as CNP1 of the Cuckfield Neighbourhood Plan.

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'*.

When assessed against policies relating to the retention of commercial premises, whilst the proposed development would not result in a wholesale loss of a retail unit, it is still considered that the proposal would conflict with Policies DP1 and DP3 of the District Plan and CNP11 of the Cuckfield Neighbourhood Plan. It is not considered that there are any policies within the District Plan that weigh in favour of a change of use of this kind in this location. It is also considered that the change of use would result in less than substantial harm on the mid range of the scale towards the significance of the grade II listed building as well as character of the Cuckfield Conservation Area. Accordingly, the proposal would fail to comply with Policies DP34 and DP35 of the District Plan and CNP1 of the Cuckfield Neighbourhood Plan.

These factors weigh heavily against the proposal.

On the positive side, the proposal would result in construction jobs during the construction phase. Because of the small scale of the development proposal, these benefits would be attributed limited weight.

In weighing up these issues, when taken together, it is considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the proposal. Accordingly, the proposal is considered to

be contrary to District Plan Policies DP1, DP3, DP34 and DP35 and Neighbourhood Plan Policies CNP1 and CNP11 and 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