

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0450	Case Officer:	Catherine Cardin
Application Type:	Full Application		
Proposal:	Replacement timber shelter.		
Site:	Fledglings Day Nursery And Pre School, North End School, North End, London Road, East Grinstead, West Sussex, RH19 1QQ,		
Validation Date	23 Feb 2026	Overall Expiry Date:	6 Apr 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	9 Apr 2026
Target Date:	20 Apr 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
--	--	-------------------------------	---

Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	13 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0450

Fledglings Day Nursery And Pre School, North End School, North End, London Road, East Grinstead, West Sussex, RH19 1QQ
Replacement timber shelter.
Mr Nick Porter

SUMMARY OF REPRESENTATIONS

One letter of representation was received. This raised concerns regarding:

- The planning status of the nursery
- Possible intensification of the use
- Highway issues

SUMMARY OF CONSULTEES

MSDC Flood risk and drainage

No objection.

TOWN COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

The planning application seeks permission for a replacement timber shelter.

RELEVANT PLANNING HISTORY

GR/233/90- Outline application - construction of 4 self-contained flats. Permission.

GR/105/92- Change of use to B1. Permission.

02/01298/FUL- Replacement of first floor window by a door. New external stairs to this door (on the secondary smaller building on the site). Permission.

05/00044/FUL- Erect single storey extension to rear of property to provide new kitchen. Permission.

11/03054/FUL- Covered area and new mezzanine floor in existing hall. Permission.

14/04563/FUL- Sub division of existing 2 bedroom house to form 2no 1 bedroom flats. Withdrawn.

DM/25/1394- Proposed single storey extension and porch. Permission.

SITE AND SURROUNDINGS

North End School is a two-storey detached building of red brick construction with white upvc windows and a plain tile roof. The application property is set back from the highway and benefits from car parking to the front of the property which accommodates 10 cars. The property also benefits from a play area to the rear with a canopy structure. To the west of the application site is The Nest, a children's day care nursery. To the rear of the property is an area of private allotment gardens.

The application site lies within the built-up area boundary of East Grinstead. Neighbouring properties lie to the east and west. Highway is to the north.

APPLICATION DETAILS

The application seeks to construct a replacement timber shelter.

The single storey shelter would measure some 6.9 metres in length and some 4 metres in depth. This would have a pitched roof with a height to the ridge of some 4.9 metres and a height to eaves of some 3 metres. This would have an oak frame, clay tile roof and would have larch weatherboarding on rear and side elevations, whilst being open on the front elevation.

The structure would be sited to the rear of the main building against the western boundary of the 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.

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, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the East Grinstead Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) 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:

DP26 - Character and Design

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.

Relevant policies.

East Grinstead Neighbourhood Plan

The East Grinstead Neighbourhood Plan was made in 2016.

Relevant policies:

EG3 - Promoting Good Design

Other Legislation

Countryside and Rights of Way Act (CROW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

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 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

DPS4 - Flood risk and Drainage

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 Planning Policy Framework (NPPF) (December 2024)

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 overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

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;

- o Character and Design
- o Flood risk and drainage
- o Neighbouring amenities
- o Other matters
- o Biodiversity Net Gain

Character and Design

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. In part the policy requires proposals to be of a high-quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.

Policy EG3 of the East Grinstead Neighbourhood Plan relates to design and states that:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti social behaviour; and*

h) Proposals make provision for green infrastructure and biodiversity enhancement. Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

Principle DG38 of the MSDC Design Guide relates to designing buildings with architectural integrity and a sense of place and states in part that:

'Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:

- o The elevational treatment and overall façade design;*
- o The placement, proportions and design of windows, doors and balconies;*
- o A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- o The appropriate incorporation of dormer windows and chimneys;*
- o An appropriate palette of good quality materials that are preferably locally sourced.*

The proposed development, comprising of a timber shelter, is considered to be of an appropriate scale, form and design, and would respond well to the character of the existing building. The proposed roof pitch is considered to integrate successfully with the architectural form of the existing property. The use of high quality materials, including larch timber weatherboarding and clay tiles, is considered sympathetic to the host building.

The outbuilding would be sited to the rear of the building, where it would have limited visibility from the street scene. As such, the proposal would not result in harm to the character and appearance of the existing building or the surrounding area.

The proposal is therefore considered to comply with Policy DP26 of the District Plan, policy EG3 of the East Grinstead Neighbourhood Plan and principle DG38 of the Mid Sussex Design Guide SPD.

Neighbouring Amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states 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'..*

To the west of the site is 7 North End, which would be some 25 metres from the proposed development. Given the modest and single storey nature of the development, it is not considered that the proposal would be harmful to the light and outlook of this neighbour. As the proposal does not include an opening on the side elevation, it is not considered that the proposal would result in unacceptable overlooking or loss of privacy.

To the east of the site is 6 North End, which would be some 22 metres from the proposed development. Given the single storey form and modest nature of the structure, it is not considered that the development would result in significant harm to the level of light or outlook of these neighbouring occupiers. As the proposal would largely be screened by the application property itself it is not considered that the proposal would result in unacceptable overlooking or loss of privacy.

Due to the modest nature of the proposed development, there would not be any significant harm regarding noise, air or light pollution.

It is therefore considered that the proposal would not cause harm to the amenities of neighbouring properties. The proposal is therefore deemed to accord with the above part of policy DP26 of the District Plan.

Flood risk and drainage

Policy DP41 of the District Plan relates to flood risk and drainage and states in part that:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

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

The site is located within Flood Zone 1 and is therefore at low risk of fluvial flooding.

MSDC drainage and flood risk engineers were consulted on the application. They have advised that as the proposal relates to a replacement of an existing shelter, there would be no significant increase in impermeable area. Furthermore, they note that as the structure is partly open-sided it is considered that floodwater would be able to pass through the structure without increasing flood risk elsewhere. They have raised no objection. The proposal is therefore deemed to accord with policy DP41 of the District Plan.

Other matters

It is noted that concerns have been raised regarding the potential intensification of the use of the shelter in the evenings and weekends. However, the submitted plans do not propose to increase the operational capacity of the nursery, nor do they seek to extend or alter its established hours of operation. Planning permission DM/25/1394 includes a condition limiting the number of children attending the nursery at anyone time to a maximum of 60, and there are no proposals before the Local Planning Authority which would amend or remove this restriction.

The shelter is proposed as an ancillary facility associated with the existing nursery use and would not, in itself, facilitate a material change in the level or nature of the activity on the site outside of normal operating periods. In the absence of any proposed increase in child numbers, staffing levels or operational hours, it is not considered that the development would result in an intensification of use during evenings or weekends beyond which would could reasonably be expected from the lawful use of the site.

Whilst the Council does not hold a record of an original planning permission for the use of the site as a children's nursery, an application for a Certificate of Lawful Development (Existing) has not been submitted to date. Notwithstanding this, based on evidence available to the Local Planning Authority, the use of the site as a nursery has been established for a period of in excess of 10 years and has been registered as such throughout that time. As a result, were an application for a Certificate of Lawful Development (Existing) to be submitted, it is considered that the nursery would be lawful. The determination of the current application must therefore proceed on this basis that the use of the site as a nursery is established.

In this context, the proposed development would not, in itself, result in an intensification of the authorised use of the site. The proposal does not increase the number of children, staff or operating hours associated with the nursery, and as such would not materially alter the nature or level of activity currently taking place.

Concerns have also been raised in respect of traffic congestion and on street-parking associated with the nursery. However, given the existing condition restricting the number of children to 60, and the absence of any proposal to increase this number, it is not considered that the development would give rise to a material increase in vehicular movements to or from the site. Any traffic and parking impacts would therefore remain broadly comparable to those which already occur as part of the established use.

Accordingly, it is considered that the proposal would not result in unacceptable intensification of use or give rise to additional harm to neighbouring residential amenity in terms of activity levels, traffic generation or parking demand.

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 considered to be appropriate in terms of design, size and scale to the building and locality, and would not cause harm to the amenities of neighbouring properties.

In conclusion, the proposal would accord with the requirements of policies DP26 and DP41 of the Mid Sussex District Plan, policy EG3 of the East Grinstead Neighbourhood Plan and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Catherine Cardin