

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2631	Case Officer:	Anna Tidey
Application Type:	Full Application		
Proposal:	Part retrospective, part full planning application for the partial retention and alterations to a hard surface and delivery of associated landscaping		
Site:	Burleigh Oaks Stables, East Street, Turners Hill, West Sussex, , , ,		
Validation Date	15 Oct 2025	Overall Expiry Date:	11 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	4 Dec 2025
Target Date:	10 Dec 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	8 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2631

**Burleigh Oaks Stables, East Street, Turners Hill, West Sussex, , ,
Part retrospective, part full planning application for the partial retention and alterations to a hard
surface and delivery of associated landscaping
Mr D Hill-Upperton**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None.

PARISH COUNCIL OBSERVATIONS

Turners Hill Parish Council: No comments.

INTRODUCTION

This application seeks part retrospective, part full planning application for the partial retention and alterations to a hard surface and delivery of associated landscaping at a site forming part of a land holding known as Burleigh Oaks Stables, to the north of East Street to the north east of Turners Hill village.

RELEVANT PLANNING HISTORY

DM/24/2042. Lawful Development Certificate -Existing - Maintenance and repair of existing agricultural track. Refused February 2025.

DM/24/1931. Application to retrospectively apply for a mobile home and hardstanding for the continued care of livestock on site and management of land. Withdrawn August 2025.

DM/23/1257. Discharge of condition 5 in relation to DM/23/0015. Approved May 2023.

DM/23/0015. Replacement agricultural shed (amended Elevations, Floor Plans 15/02 and Block Plan 17/02 and Drainage Plan received 14/03). Approved March 2023.

00/00398/FUL. Alteration to existing access road from East Street to Burleigh Oaks Farm. (Amended plans showing screening of the new access road). Approved November 2000.

TH/011/99. Lawful Development Certificate -Existing. Lawful Development Certificate for the use of existing stable for class B1(a) use. This is an application to establish whether the existing use is lawful: this will be a legal decision where the planning merits of the existing use cannot be taken into account. Approved May 1999.

TH/051/98. Change of use of stables to Class B1 use. Withdrawn June 1999.

SITE AND SURROUNDINGS

The application site located on the northern side of East Street, in open countryside to the north east of the built up area of Turners Hill.

The application has been accompanied by a Location Plan and a Block Plan. These illustrate that the site forms part of a larger field, in use as an agricultural small holding. The land shares a vehicular access driveway, also serving Burleigh Oaks Farm, Burleigh Oaks House and Burleigh Oaks Farmhouse which extends north from East Street.

The red line showing the boundary of the site for this application extends from the access gate into the land and includes the area used for access into the field and serving the barn, stables and a mobile home which has been installed on the land. The application form confirms that the site area is 257 square metres.

The application has been accompanied with photographs to show the adjacent land, outlined in blue, which is in use for sheep grazing.

There is vehicular access to the land via a field gateway, and a rough access track has been created with hardcore materials that have been brought onto the land. The land levels around the mobile home have been dug out and levelled with hardcore materials to create an accessible surface for vehicles to manoeuvre. Natural vegetation is growing through the hardcore in places.

Adjacent to the site access there is an area of Ancient Woodland and the Ancient Woodland 15m buffer zone.

The route of Public Footpath number TUE/60W/1 passes to the south of the site, which adjoins Public Footpath TUE/61W/1 on the access track at Burleigh Oaks Farmhouse and Public Footpath TUE/62W/1 which extends to the north past Burleigh Oaks House.

The application site is located within the open countryside, as defined in the Mid Sussex District Plan, is within the Ashdown Forest SPA zone of influence, and is within the Turners Hill Neighbourhood Plan area.

APPLICATION DETAILS

This application seeks retrospective consent and planning permission for the formation of hard surfacing on the land.

The application has been accompanied by a detailed planning design and access statement from the applicant's agent which confirms the following:

'The submission relates to an un-consented hard surface located to the bottom of a small farmyard. The surface was installed in Spring 2024 for the stationing of a mobile home - which is to be used in association with the agricultural use of the land. Whilst the Local Planning Authority (LPA) have confirmed that the stationing of a mobile home for agricultural use does not require consent, the formation of a hard surface requires consent.

As a result of this an application for the retention of the mobile home was withdrawn (DM/24/1931 refers) with the LPA's agreement and the applicant agreed to seek a part retrospective consent for the retention of some of the existing hard surface and the removal of other areas, with the express aim of leaving a smaller and more contained surface at the site. As a result, the current proposal would be around 62 sq.m smaller than the current surface.

As part of this submission, the applicant is seeking to retain a portion of this existing surface, install some small new areas and then remove a large part of the rear of the surface and replace this with soft landscaping. The proposal will result in a smaller and more contained hard surface that will be better related to an existing access track and a number of agricultural buildings. It will result in the more remote parts of the hard surfacing being removed and located closer to existing building. The development will then be screened by landscape planted.'

The submitted Proposed Site Plan shows the area of hard surfacing that has been created on the site to be reduced in area and planted where the hard surfaced areas are to be removed. New areas of soft landscaping are to be planted which will include areas of grass, a native hedge mix to include Silver Birch, Field Maple, English Walnut and Oak trees together with six existing conifers. The plan also shows that some of this planting has already occurred. The application form confirms that the existing and proposed surfacing materials and finishes are to be 'crushed mixed inert materials'.

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, the Turners Hill Neighbourhood Plan and Site Allocations DPD.

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:

DP12 Protection and Enhancement of Countryside
DP26 Character and design
DP38 Biodiversity

Site Allocations Development Plan Document

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

There are no policies deemed relevant to this application.

Neighbourhood Plan

TURNERS HILL NEIGHBOURHOOD PLAN (made 24th March 2016)

Relevant policies:

THP8 Countryside Protection

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:

DPS2 Sustainable Design and Construction
DPS6 Health and Wellbeing
DPB1 Character and Design
DPN1 Biodiversity, Geodiversity and Nature Recovery

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)

ASSESSMENT

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

Design and Impact upon the Countryside
Impact on residential amenities
Biodiversity Net Gain

Design and Impact upon the Countryside

The site is located outside the built up boundary of Turners Hill, within the open countryside. The relevant District Plan Policy is DP12.

Policy DP12 seeks to maintain and enhance the quality and character of the rural area and states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- o it is necessary for the purposes of agriculture; or*
- o it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

Neighbourhood Plan Policy THP8 is also relevant in the determination of this application. This states:

'Outside the Built up Area Boundary (which is shown on the proposals map on page 24), priority will be given to protecting and enhancing the countryside from inappropriate development. A proposal for development will only be permitted where:

- a) It is allocated for development in Policy THP1 or would be in accordance with Policies THP7 and THP14 of this Plan or other relevant planning policies applying to the area; and:*
- b) It must not have a detrimental impact on, and would enhance, areas of substantial landscape value or sensitivity, and*
- c) It must not have an adverse impact on the landscape setting of Turners Hill and*
- d) It must maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built up area; and*
- e) Within the High Weald Area of Outstanding Natural Beauty it must conserve and enhance the natural beauty and would have regard to the High Weald AONB Management Plan.*
- f) It is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.*

Our Strategic Gaps are identified in MSDC Local Plan policy C2 and the High Weald Area of Outstanding Natural Beauty by Local Plan policy C4.

Policies in the emerging District Plan will provide protection and enhancement in relation to trees, woodland and hedgerows as well as biodiversity.'

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. 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:

- * is of high quality design and layout and includes appropriate landscaping and greenspace;*
- * 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;*
- * creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- * protects open spaces, trees and gardens that contribute to the character of the area;*
- * protects valued townscapes and the separate identity and character of towns and villages;*
- * 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);*
- * creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- * incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- * positively addresses sustainability considerations in the layout and the building design;*
- * 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;*
- * optimises the potential of the site to accommodate development.'*

Also relevant in the determination of the application is the design guidance contained in the Mid Sussex Design Guide.

The application is retrospective. The extent of the development has proceeded on the site without Local Planning Authority (LPA) input, but it is considered that a functional hard surfaced access is necessary to service the land. This will allow safe vehicular access onto the land, to allow transport for and to provide care for the livestock on the site and to access the structures and buildings in use on the site for agricultural purposes.

The application has been accompanied with a detailed Planning, Design and Access Statement (DAS) and this seeks to justify the need for the hard surfacing to service the small holding operations. It confirms that the scale of the proposed retained hardstanding area will be scaled back, but retained at a sufficient size to allow for the removal of the mobile home from the land in the future.

The DAS confirms that if the Local Planning Authority (LPA) support the proposal, the applicant would be agreeable to a planning condition to give them 6 months to remove hard surfacing from the site that does not form part of this proposal, with photo evidence to be supplied. They are also agreeable to a landscaping condition to provide a comprehensive planting schedule, based upon that which has been provided as part of the application.

It is considered reasonable to require a limited amount of hard surfacing to access and service the land. The appearance of the proposed hard surfacing will be enhanced by additional appropriate indigenous species of planting to enhance the rural setting. As such the proposal can be supported, subject to the suggested removal/planting conditions and to accord with the aims of District Plan Policies DP12 and DP26, Policy THP8 of the Turners Hill Neighbourhood Plan and with the relevant Design Guide principles.

Impact on residential amenities

District Plan Policy DP26 requires 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.'*

In addition Principle DG45 in the Design Guide seeks to protect privacy of existing and future residents between new and existing developments.

The nearest residential properties to the site are Burleigh Oaks Farmhouse, sited some 50m to the south west of the site, and Burleigh Oaks House, sited some 80m approx. to the north west.

The area of hardstanding is located on lower ground on the site, in a position that is well screened from public and private vantage points. It is considered that the proposed reconfiguration and use of the area, in association with the agricultural activities on the site, would not cause significant harm to the amenities of adjoining properties.

The proposal therefore accords with the requirements of Policy DP26 of the District Plan and the relevant principles of the Design Guide with regards to neighbouring amenities.

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 retrospective application which is exempt from the requirement to provide biodiversity net gain.

As part of the proposed scheme the applicant is prepared to reduce the area of hard surfacing and to provide new planting on the outer margins of that area. The species and value of the proposed planting can be controlled by suitably worded planning conditions to ensure the planting is indigenous and appropriate in this rural setting. As a result there will be a benefit to the biodiversity of the site.

PLANNING BALANCE AND CONCLUSION

Whilst this is a retrospective application it is considered reasonable to require a limited amount of hard surfacing to access and service the small holding on the associated land.

The appearance of the proposed hard surfacing will be enhanced by additional appropriate indigenous planting appropriate to the rural setting. As such the proposal can be supported, subject to the suggested planting conditions to accord with the aims of District Plan Policies DP12 and DP26, Policy THP8 of the Turners Hill Neighbourhood Plan and with the relevant Design Guide principles.

The area of hardstanding is located on lower ground on the site, in a position that is well screened from neighbouring vantage points. The proposal accords with the requirements of Policy DP26 of the District Plan and the relevant principles of the Design Guide with regards to neighbouring amenities.

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a retrospective application which is exempt from the requirement to provide biodiversity net gain.

In light of all the above, this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey