

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                         |                                        |                |
|----------------------------------------------|-----------------------------------------------------------------------------------------|----------------------------------------|----------------|
| <b>Ref. No:</b>                              | DM/24/2165                                                                              | <b>Case Officer:</b>                   | Andrew Horrell |
| <b>Application Type:</b>                     | Householder Application                                                                 |                                        |                |
| <b>Proposal:</b>                             | Proposed detached car port/garage                                                       |                                        |                |
| <b>Site:</b>                                 | 103 Barrack Cottages, Brook Street, Cuckfield, Haywards Heath, West Sussex, RH17 5JL, , |                                        |                |
| <b>Validation Date</b>                       | 23 Dec 2024                                                                             | <b>Overall Expiry Date:</b>            | 13 May 2025    |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                         | <b>Pre-Com Conditions Date Agreed:</b> |                |
| <b>Recommendation:</b>                       | Permission                                                                              | <b>Recommendation Date:</b>            | 15 May 2025    |
| <b>Target Date:</b>                          | 17 Feb 2025                                                                             | <b>Recommending Officer Signature:</b> | Andrew Horrell |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |             |              |             |
|------------------------------|-------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | Steven King | <b>Date:</b> | 15 May 2025 |
| <b>Comments:</b>             |             |              |             |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/24/2165**

**103 Barrack Cottages, Brook Street, Cuckfield, Haywards Heath, West Sussex, RH17 5JL,  
Proposed detached car port/garage  
Mr C Rice**

### **SUMMARY OF REPRESENTATIONS**

None received

### **CONSULTEE COMMENTS**

MSDC Tree Officer: I have reviewed the Arboricultural Report, Tree Survey and Tree Protection Plan and have no objection.  
Please do condition the Arboricultural Report and Tree Protection Plan.

### **ANSTY AND STAPLEFIELD PARISH COUNCIL OBSERVATIONS**

No Objections

### **INTRODUCTION**

Planning permission is sought for the installation of a detached car port/garage.

### **RELEVANT PLANNING HISTORY**

CD/034/95 - SINGLE STOREY EXTENSION TO REAR. (approved)  
CD/035/95 - CHANGE OF USE OF EXISTING AGRICULTURAL VEHICULAR ACCESS TO PRIVATE DOMESTIC DRIVE AND PARKING AREA FOR USE BY APPLICANTS. (approved)  
12/01522/FUL - Proposed first floor rear extension (approved)

### **SITE AND SURROUNDINGS**

103 Barrack Cottages is a two-storey semi-detached hipped roofed dwelling characterised by previous enlargements. The walls are a mix of face brickwork, hanging tiles and painted render with white upvc and painted timber doors and windows.

To the north of the site is existing driveway with fencing to field beyond, to the south of the site is the adjacent No.106 Barrack Cottages, to the east of the site is low level hedging to highway beyond and to the west of the site is the rear garden with fields beyond.

The site is within the countryside and the High Weald Area of Outstanding Natural Beauty.

### **APPLICATION DETAILS**

The proposed car port/garage measures 6.45m in depth, 6.45m in width with an approximate height to eaves of 2.1m and an overall height of 4.8m.

### **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 Sites Allocations Development Plan Document (DPD) and the Ansty and Staplefield 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:

DP12 - Protection and Enhancement of Countryside

DP16 - High Weald AONB

DP26 - Character and Design

DP37 - Trees, Woodland and Hedgerows

### **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.

### **Ansty and Staplefield Neighbourhood Plan**

The Neighbourhood Plan was made on 2nd February 2017.

Relevant policies:

AS3: High Weald Area of Outstanding Natural Beauty.

### **Other Material Considerations**

### **Mid Sussex District Plan 2021-2039 Consultation Draft**

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:

DPN4 - Trees, Woodland and Hedgerows

DPC1 - Protection and Enhancement of the Countryside

DPC4 - High Weald Area of Outstanding Natural Beauty

DPB1 - Character and Design

### ***Mid Sussex Design Guide Supplementary Planning Document (SPD)***

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

## The High Weald Area Of Outstanding Natural Beauty Management Plan 2024-2029

### National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131, 135 and 189 are considered to be relevant to this application.

## **ASSESSMENT**

### **Impact on the High Weald Area Of Natural Beauty**

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Policy DP16 of the District Plan requires proposals in the AONB to conserve or enhance natural beauty.

Paragraph 189 of the NPPF is also relevant. This states:

*'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues.'*

A similar stance is held in Policy AS3 of the Ansty and Staplefield Neighbourhood Plan.

Given the design, form and materials of the proposed garage, it is considered that it would be viewed in relation to the dwellinghouse and would not have an impact on the AONB and would conserve it.

As such, the proposal would comply with the requirements of Policy DP16 of the District Plan, Policy AS3 of the Ansty and Staplefield Neighbourhood Plan, the requirements of the High Weald Management Plan and Paragraph 182 of the NPPF.

### **Impact on countryside setting**

Policy DP12 of the District Plan is relevant to development in rural areas 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.'*

The proposed outbuilding would be seen in context with the existing dwelling and its timber design is rural in nature, and would comply with policy DP26 as detailed below.

Due to the above, the proposal complies with DP12 of the Mid Sussex District Plan.

### **Character and Design**

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:*

- 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;*
- 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'*

DG19 of the Mid Sussex Design Guide SPD states *'For lower density areas with detached and semi-detached houses, parking should normally be discreetly accommodated to the side of dwellings, and behind the building line where it is less visible from the street'*

Additionally, Principle DG50 as set out within the Design Guide, relates to front/side extensions. Whilst the current proposal does not relate specifically to the extension of the existing dwelling, the principles are considered to be applicable to this current proposal. It states:

*'Front/side extensions are more likely to be acceptable where the building line is staggered or where the dwelling is set well back from the road. They are less likely to be acceptable in streets with a strong consistent building form as they risk disrupting the underlying order.'*

Some garages are to the side/front of the dwellings in the streetscene including at Taylors Farm (DM/18/3595), Meadowbrook House (14/00190/FUL and 14/02896/FUL), Taylors Barn (02/02698/FUL) and St Margarets (02/00614/FUL) albeit they are all some distance from the site.

At present, a mature boundary hedge and trees assists in screening views from the roadside along Brook Street towards the dwelling. The proposed car port would be 4m from the front boundary hedge.

The proposal garage is considered to be of a design, size and scale which is in proportion and appropriate to the character of the dwelling.

Although it would be visible from the highway, it would be viewed in context with the dwelling and is not considered to have an adverse impact on the character of the locality or the streetscene.

Overall, it is considered that the proposal would be in character of the area due to its siting towards the sites front boundary and its size. Accordingly, the proposal would comply with the provisions of policy DP26 of the District Plan, DG19 of the Mid Sussex Design Guide SPD and relevant paragraphs of the NPPF.

### **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 Policy DP29);'*

The proposed car port would be contained to a single storey height and set away from the shared boundaries of the site. Therefore, significant harm is not deemed to be caused.

Therefore, the proposal complies with DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

## **Impact on Trees**

DP37 of the Mid Sussex District Plan states:

*'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.*

*Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.*

*Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.*

*Trees, woodland and hedgerows will be protected and enhanced by ensuring development:*

- o incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- o prevents damage to root systems and takes account of expected future growth; and*
- o where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- o has appropriate protection measures throughout the development process; and*
- o takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- o does not sever ecological corridors created by these assets.*

*Proposals for works to trees will be considered taking into account:*

- o the condition and health of the trees; and*
- o the contribution of the trees to the character and visual amenity of the local area; and*
- o the amenity and nature conservation value of the trees; and*
- o the extent and impact of the works; and*
- o any replanting proposals.*

*The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.*

*Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary'.*

The Mid Sussex Tree Officer has been consulted on the application and stated that no objection is given to the proposal subject to condition. Your Planning Officer agrees with this assessment.

## **Biodiversity Net Gain**

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

## **PLANNING BALANCE AND CONCLUSION**

The proposal is considered to be appropriate in terms of design, size and scale to the dwellinghouse and countryside locality, would not impact on the AONB, would not harm the amenities of neighbouring properties or trees.

Therefore, the proposal complies with Mid Sussex District Plan policies DP12, DP16, DP26 and DP37, Ansty and Staplefield Neighbourhood Plan policy AS3 and with the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision:       Permission

Case Officer: Andrew Horrell