

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2646	Case Officer:	Andrew Horrell
Application Type:	Full Application		
Proposal:	Erection of replacement ancillary domestic building comprising garage, garden store and gym.		
Site:	Down Park Place, Turners Hill Road, Crawley Down, Crawley, West Sussex, RH10 4HQ, ,		
Validation Date	12 Feb 2025	Overall Expiry Date:	7 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	25 Sep 2025
Target Date:	9 Apr 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	25 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2646

**Down Park Place, Turners Hill Road, Crawley Down, Crawley, West Sussex, RH10 4HQ,
Erection of replacement ancillary domestic building comprising garage, garden store and gym.
Mr And Mrs M Tuppen**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEE COMMENTS

MSDC Tree Officer: I have no objection to the proposal on arboricultural grounds.

West Sussex Naturespace: It is considered that the proposed development would present a low risk to great crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping, I recommend that the following informative should be attached to planning consent:

"The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

PARISH COUNCIL OBSERVATIONS

Defer to Officer

INTRODUCTION

Planning permission is sought for the erection of a replacement ancillary domestic building comprising garage, garden store and gym.

RELEVANT PLANNING HISTORY

DM/23/0855 - Demolition of existing bungalow and double garage and erection of two storey replacement dwelling with attached double carport. (approved)

DM/23/2486 - Demolition of existing bungalow and garage and erection of a part two, part single storey replacement dwelling with attached car port. Material amendment to dwelling approved under application ref DM/23/0855. (approved)

SITE AND SURROUNDINGS

The existing detached pitched roofed outbuilding is located to the south-west of the dwelling approved Down Park Place in 2023 and to the north-west of Down Park Annexe. The outbuilding is characterised by green timber cladding with a corrugated iron roof, timber doors and windows.

To the west of the site is woodland with close boarded fencing to kennels beyond, to the east of the site is woodland to highway beyond, to the north of the site is woodland and to the south - woodland to neighbouring The Coach House beyond.

The site is outside of the built up area of Crawley Down.

APPLICATION DETAILS

The existing outbuilding approximately measures 3.7m in depth, 12.2m in width with a height to eaves of 1.75m and an overall height of 3.1m. This serves a store.

The proposed replacement building approximately measures 5.7m in depth, 21.7m in width with a height to eaves of 3.3m and an overall height of 5m. This will serve a gym, single garage, home office, garden store and shower room. It will be characterised by standing seam metal and timber cladding, timber doors and aluminium windows.

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 Crawley Down 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 the Countryside

DP26 - Character and Design

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

Site Allocations DPD

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

There are no relevant policies

Neighbourhood Plan

The Crawley Down Neighbourhood Plan was made on 28th January 2016.

Relevant policies:

CDNP04.1 - Building Extensions

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

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

NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to the majority of 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:

DPN1 - Biodiversity, Geodiversity and Nature Recovery
DNP4 - Trees, Woodland and Hedgerows
DPB1 - Character and Design
DPC1- Protection and Enhancement of the Countryside

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

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

ASSESSMENT

Impact on the Countryside

Policy DP12 of the Mid Sussex District Plan 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:

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

The replacement outbuilding will be sited in the same location as the existing store. It will be a reasonable enlargement, but it will not be out of character with the existing store and therefore is deemed to maintain the rural character of the site.

Design and Character

Policy DP26 of the Mid Sussex 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;
- 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 DP27);
- 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.'

Despite the enlarged nature of the building, the design of the building will still retain a rural style, which is considered appropriate to the character of the area. It will be well screened by surrounding trees and dense hedging.

The site is large enough to accommodate the proposal and due to its height it would remain subservient to the dwellinghouse, as built under DM/23/2486, which it is to be an ancillary building. Consequently, the proposal is considered to be of an appropriate design, size and scale that is in keeping with the character of the existing dwellinghouse and that of the wider countryside. The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan.

Impact to trees

Policy DP37 of the Mid Sussex District Plan is most relevant and states the following:

'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 tree officer has no objection to the proposal on tree grounds. The planning officer has no reason to disagree with this. The submitted tree protection plan will be conditioned to be adhered to.

Impact on the amenities of neighbouring properties

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that:

'proposals do 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 CDNP04.1 states that proposals should 'safeguard' adjoining neighbours' amenity whereas policy DP26 of the MSDP states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Given the distance and relationship with neighbouring properties the proposal is not deemed to harm neighbouring amenities. Therefore, the proposal complies with DP26 of the Mid Sussex District Plan and CDNP04.1 of the Crawley Down Neighbourhood Plan.

Biodiversity

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

The applicant has submitted a bat roost assessment linked to 2023 application and this makes clear that the storage building on the application site is a single volume tin sheet building not offering bat roost potential. Therefore, it is not considered that harm will be caused to a protected species.

It is therefore considered that the proposal complies with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF and the legislation outlined above.

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 deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
- (b) the planning authority has approved the plan (see paragraph 15)'.

A biodiversity metric spreadsheet has been submitted with the application, and applicants are looking to increase the habitat within the site to meet their mandatory requirements.

Notwithstanding the lack of comments from the Council's Ecology Consultant by the time of determination, in line with the legislation on biodiversity net gain, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. This Plan is the mechanism to ensure that the biodiversity gain objective is met. This Plan is secured with the statutory condition attached to any relevant planning permission.

OTHER MATTERS

The outbuilding will be used in part as a gym and home office; a condition can be imposed to ensure that the building is used for purposes incidental to the enjoyment of the main dwellinghouse and for no other purpose.

PLANNING BALANCE AND CONCLUSION

The enlarged outbuilding is considered to be of an appropriate design size and scale that is in-keeping with the character of the existing dwellinghouse and wider countryside area, while not causing harm to trees and not causing significant harm to neighbouring amenity issues. No protected species will be impacted by the proposal and the BNG requirement will be dealt with via condition.

Consequently, the proposal is deemed to comply with policies DP12, DP26, DP37 and DP38 of the Mid Sussex District Plan, Policy CDNP04.1 of the Neighbourhood Plan, The Design Guide SPD and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell

