

PLANNING SUPPORT STATEMENT

In relation to:
**‘Change of Use from agricultural land to
domestic garden / residential curtilage
associated with The Garden House’**

**The Garden House, Cuckfield Lane, Warninglid,
West Sussex, RH17 5SN**

April 2025

PLANNING STATEMENT

**The Garden House, Cuckfield Lane, Warninglid, Haywards Heath,
West Sussex, RH17 5SN**

1. INTRODUCTION

- 1.1 This proposal seeks planning permission for the change of use of a parcel of land from agricultural land to use as residential curtilage, associated with The Garden House.
- 1.2 This Planning Statement is submitted in support of the above planning application. The statement describes the site, its surroundings and the proposal itself. The Planning Policy background is considered along with an assessment of the proposal in light of the relevant policies and all other material planning considerations.
- 1.3 This application is accompanied by the following supporting documents:
- Drawing no. RPC/LOC1 'Location Plan' (1:2500 Scale);
 - Drawing no. RPC/BLO1 'Block Plan' (1:500 scale).

2. SITE CONTEXT

- 2.1 The area of land that is the subject of this planning application, comprises a portion of agricultural/pasture land, positioned immediately to the west of The Garden House; a residential property with an area of associated residential curtilage to the rear.

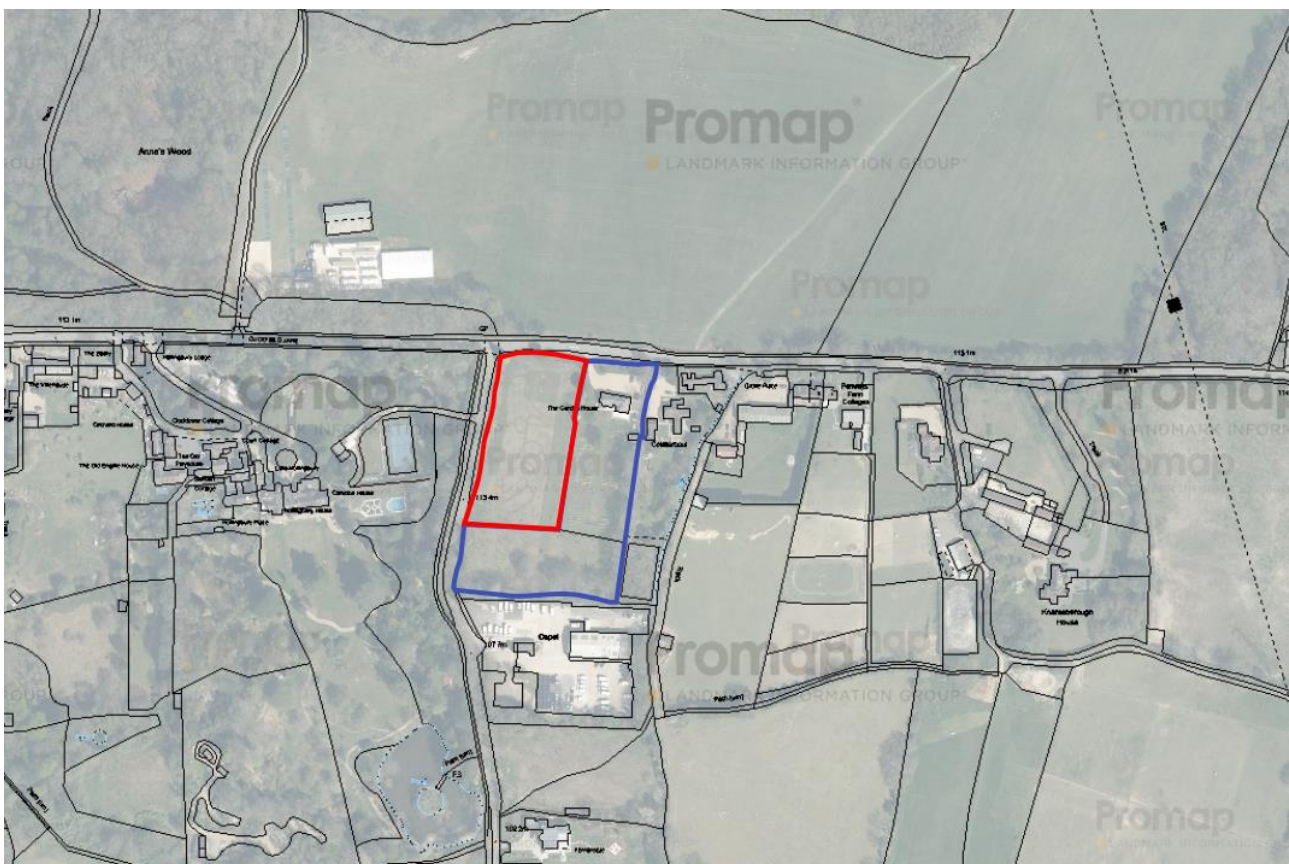


Fig 1. Aerial map; showing the site and its surroundings (courtesy of Promap)

- 2.2 The Garden House applied for 'change of use from agricultural land to use within residential curtilage', under planning ref: **DM/16/3821**. This was approved via decision notice dated 1st November 2016. This change of use has been implemented.
- 2.3 The Garden House is positioned adjacent to Cuckfield Lane. The site slopes down to the south, away from this road.

- 2.4 The house and existing residential curtilage are bordered by post and rail fencing to the south and west, which adjoin the area of land that is subject to this application for change of use. The western and northern boundary's of the application site (which border adjacent highways) are densely screened by vegetation and tree coverage.
- 2.5 As detailed at **Fig 1** above, our Client's ownership is depicted by a blue line and includes further agricultural land to the south. Colwood Lane is positioned to the immediate west of the site.
- 2.6 A Grade II Listed Building known as Coldharbour and its garden land is positioned east of the site.
- 2.7 In terms of the sites designation in relation to Local Plan policy, the application site is set outside of the defined built-up area boundary for Warninglid. The site therefore lies within the designated countryside. The site is also located within the High Weald National Landscape (formerly the Area of Outstanding Natural Beauty).

3. PLANNING POLICY CONTEXT

a. National Planning Policy

(i) National Planning Policy Framework (NPPF)

- 3.1 The National Planning Policy Framework (NPPF) was published on 27th March 2012, and at that time the policies in the Framework came into use, with immediate effect. The NPPF has been revised on several occasions since this time, with the most recent version being dated December 2024.
- 3.2 The focus of the NPPF is achieving sustainable development. Paragraph 7 states that *“at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”*.
- 3.3 Paragraph 8 goes further as it specifies that there are three dimensions to sustainable development: economic, social and environmental. Under the social and environmental roles it states *“b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”*.
- 3.4 Under paragraph 11, the NPPF confirms that planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not change the statutory status of the development plan.

- 3.5 Section 11 refers to making effective use of land. Paragraph 124 states that *“planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”*.
- 3.6 Paragraph 125 states that *“planning policies and decisions should:*
- (a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
 - (b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
 - (c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
 - (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure) ⁵⁰; and*
 - (e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions – including mansard roofs – where the development would be consistent with the prevailing form of neighbouring properties and the overall street scene, is well- designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. A condition of simultaneous*

development should not be imposed on an application for multiple upward extensions unless there is an exceptional justification”.

- 3.7 Section 12 relates to Achieving well-designed and beautiful places. Paragraph 131 states that *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*
- 3.8 Paragraph 135 continues, noting that *“planning policies and decisions should ensure that developments*
- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users [51](#); and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.*

b. Local Planning Policy

3.10 Mid Sussex District Council adopted the Mid Sussex District Plan 2014-2031 as a Development Plan Document at its meeting on 28th March 2018.

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293 UPPER SHOREHAM ROAD, SHOREHAM-BY-SEA, WEST SUSSEX, BN43 5QA
T +44 (0)1273 780 463 / INFO@RODWAYPLANNING.CO.UK / RODWAYPLANNING.CO.UK
COMPANY NUMBER: 10353422 VAT REGISTRATION NO: 217 9600 05

3.12 The site also lies within the High Weald National Landscape (formerly the Area of Outstanding Natural Beauty), where **Policy DP16** applies. This policy states that *“development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;*

- the identified landscape features or components of natural beauty and to their setting;*
- the traditional interaction of people with nature, and appropriate land management;*
- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported”.

3.13 The following policies are also considered to be of relevance to this proposal:-

3.14 **Policy DP12** (Protection and Enhancement of Countryside) states that *“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...”.*

3.15 **Policy DP26** (Character and Design) states that *“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”.*

3.16 The following policies are also considered of relevance:-

- **Policy DP34:** Listed Buildings and Other Heritage Assets;
- **Policy DP38:** Biodiversity.

(ii) Emerging Mid Sussex District Plan 2021 – 2039

3.17 The District Plan 2021 – 2039 was submitted for Examination on 8th July 2024. The following draft policies are considered to be of relevance to this proposal:-

- **Policy DPN1:** Biodiversity, Geodiversity and Nature Recovery;
- **Policy DPN2:** Biodiversity Net Gain;
- **Policy DPC1:** Protection and Enhancement of the Countryside;
- **Policy DPC4:** High Weald Area of Outstanding Natural Beauty;
- **Policy DPB2:** Listed Buildings and Other Heritage Assets.

(iv) Slaugham Neighbourhood Plan 2014- 2031

3.18 The Slaugham Neighbourhood Plan was made on 25th September 2019.

3.19 **Policy 1** (Protecting the Area of Outstanding Natural Beauty) states that *“the extent of the High Weald Area of Outstanding Natural Beauty is shown on the Proposals Map. Development proposals within the High Weald AONB will only be supported where they conserve or enhance natural beauty and have regard to the High Weald AONB Management Plan in particular:*

- 1. The identified landscape features or components of landscape beauty and to their setting;*
- 2. The traditional interaction of people with nature and appropriate landscape management;*
- 3. Character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- 4. The conservation of wildlife and cultural heritage. Small scale proposals which support the local economy and social wellbeing of the AONB will be supported where they are compatible with the conservation and enhancement of the AONB.*

Development proposals on land that contribute to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular does not adversely affect the views into, and out of, the AONB by virtue of its location and/or design”.

- 3.20 **Policy 3** (Green Infrastructure) states that *“development proposals, which seek to conserve, maintain or enhance existing green infrastructure network will be supported. Proposals to provide additional green infrastructure will be supported. Proposals which seek to improve access for pedestrians and cyclists through green infrastructure linkages will be particularly supported. Proposals which would result in the loss of existing green infrastructure will not be supported unless it can be demonstrated that the development proposals bring new opportunities which mitigates or compensates any loss, whilst ensuring the protection of the existing ecosystem”.*
- 3.21 The supporting text notes that *“the benefits that result from green infrastructure include: an enhancement in the visual appearance of the area; access for residents to sport; recreation and quiet enjoyment; connected networks for wildlife; help to reduce flood risk; facilitates non-car modes of travel; and provides allotments”.*

4. PLANNING HISTORY

a. Planning History

(i) Application Site

4.1 According to the Council's online planning register, the most relevant planning application relates to land to the rear of the Garden House, Cuckfield Lane. The application details are as follows:-

- **Planning ref: DM/16/3821/:** Change of use from agricultural land to use within residential curtilage. Approved 1st November 2016.

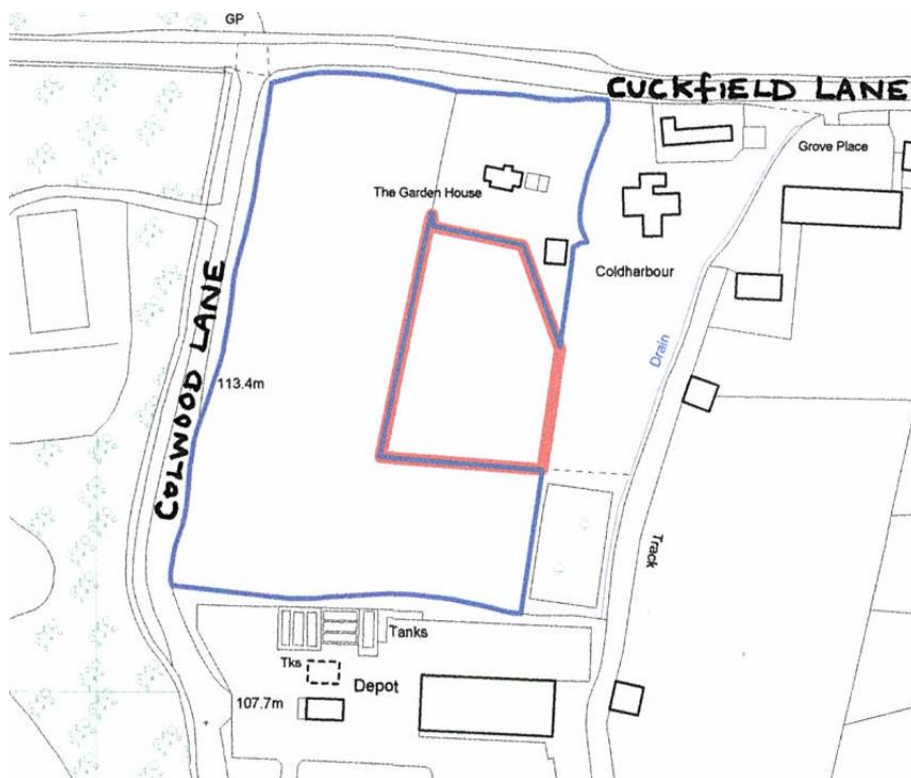


Fig 3. Approved Location Plan (ref: DM/16/3821)

4.2 At the time of this application being considered, the case officer concluded that *“it is set to the south of the existing residential dwelling, with agricultural land retained*

to the south and east (rear and side) elevations, combined with the existing boundary treatment surrounding the field and the fact it will be viewed in context of the curtilage of Coldharbour to the eastern (side) elevation, it is not considered to result in a reduction in character of the locality. Each application is to be considered on its own merits and it is not therefore considered that an approval would set a harmful precedent in the Parish. Consequently, the proposal is deemed to comply with B1 and C9 of the Mid Sussex Local Plan and DP24 of the District Plan...the proposal is considered to satisfactorily comply with the requirements of Policies B1, B3, B10, C4 and C9 of the Mid Sussex Local Plan, Policies DP1, DP14, DP24 and DP32 of the Mid Sussex District Plan 2014-2031, together with the requirements of the NPPF. The application is therefore recommended for approval”.

4.3 The following applications relate to The Garden House and are also of relevance:-

- **Planning ref: 14/02031/FUL/:** Demolition of outbuilding/ garage replaced by a two storey side extension. Approved.
- **Planning ref: SV/030/95/:** Application for certificate of Lawful Development for use as a dwelling house without complying with agricultural occupancy condition no. 1 on permission F52/103 (This is an application to establish whether the existing use is lawful). Approved.
- **Planning ref: SV/007/76/:** Retention of 2-storey dwelling without condition requiring occupation by agricultural workers only. Refused.

(ii) Adjoining Sites

- 4.4 Since the time of the previous application for change of use of land at The Garden House being determined, we are aware that there has been a change of use of the depot site to the south, to a vehicle hire use.

Former Southern Counties Fuels Ltd, Oil Storage Depot, Colwood Lane, Warninglid, Haywards Heath, West Sussex RH17 5UE

- **Planning ref: DM/20/0819/:** Change of use of land and buildings to a vehicle hire depot including installation of a jet wash with associated containerised plant room and stainless steel 3 chamber sump pump; self bunded fuel tank and other associated works. Application Permitted 7th September 2020.

- 4.5 The neighbouring property, Coldharbour (to the east) has had the following planning permissions since the time of the previous application on this site being approved.

Coldharbour, Cuckfield Lane, Warninglid, Haywards Heath, West Sussex, RH17 5SN

- **Planning ref: DM/16/5010/:** Remove modern conservatory and erect a single storey extension. Application Permitted 15th February 2017.
- **Planning ref: DM/16/5621/:** Remove modern conservatory and erect a single storey extension;. Application Permitted 14th February 2017.

5. PLANNING ASSESSMENT

a. The Proposal

- 5.1 This application is seeking planning permission for the change of use of non-domestic land to residential garden land directly linked with the existing dwelling house.

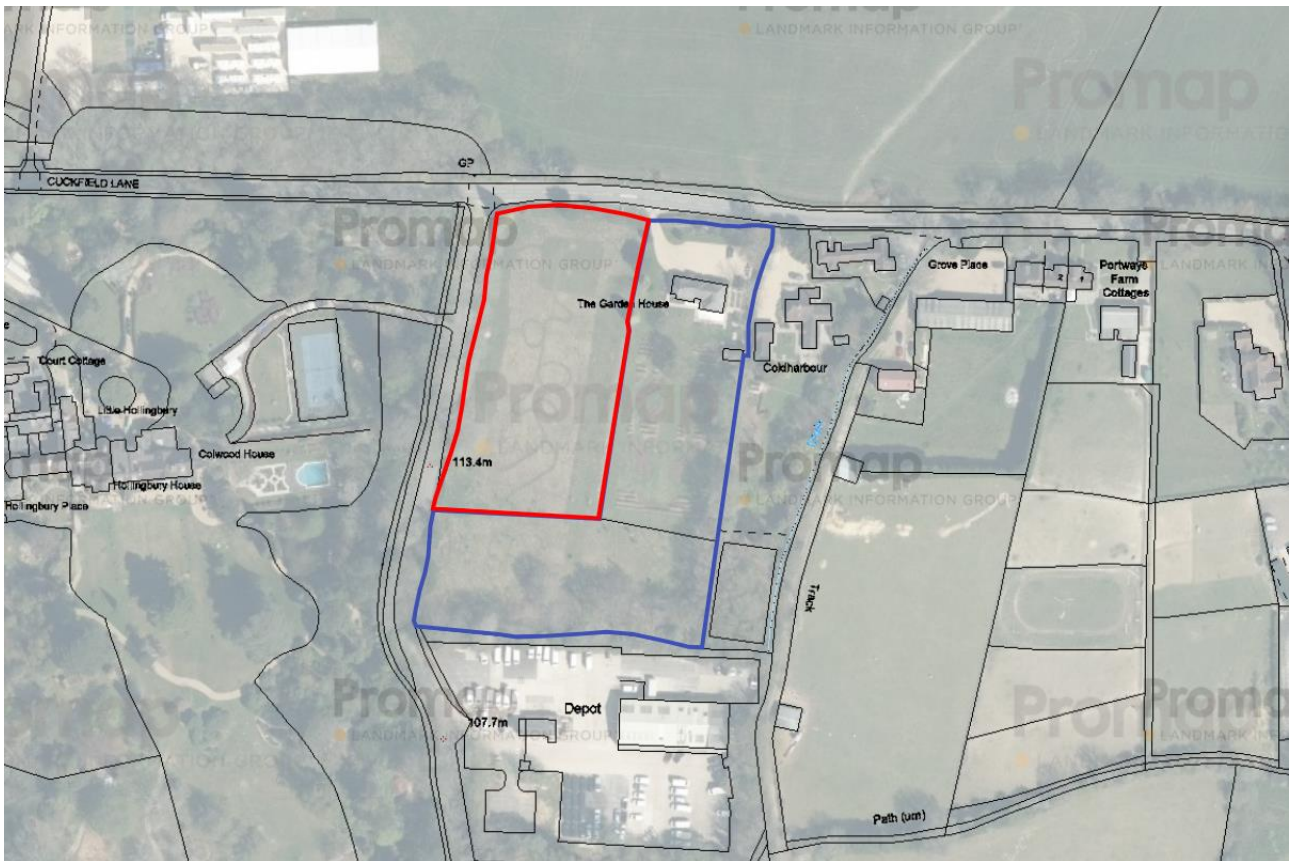


Fig 4. Extract from proposed site plan

- 5.2 The existing residential curtilage is bordered by existing post and rail fencing. This is to be extended to the new southern boundary. The western and northern boundaries (which adjoin adjacent highways) are currently bordered by dense tree/vegetation coverage, which will be retained as part of the proposal.

- 5.3 The existing residential curtilage has been transformed into a high quality garden and our Clients are seeking to expand this land, to include the land to the west, which has no agricultural value given its limited size and relationship with adjacent roads and the existing residential curtilage.
- 5.4 Our Client has confirmed that *“the original garden around the house at The Garden House is an English country-cottage garden using many traditional plants predominantly in a blue and white planting scheme. This was planted at the same time as the extension to the garden in 2017 following planning consent for the larger area in late 2016. The inspiration for the extension of the existing garden in 2017 came from visits to the Sussex Prairie Garden in Henfield and the work of the renowned Dutch gardener Piet Oudolph. The vision was to create prairie planting but incorporating many commonly used English plants and grasses as well as incorporating waves of hornbeam hedging both as a windbreak and as a useful habitat for wildlife.*
- We worked closely with a local garden designer, Alex Bell and his team from Steyning, to achieve this vision which has developed over the years including new planting to allow for the local rabbit population who ate much of the original garden. This has now been replaced with plants they are less inclined to eat. As a result we have now planted a huge variety of grasses as well as some more unusual native species which are less commonly found in gardens. Most recently the garden has featured in the December edition of The English Garden magazine” (refer to Appendix A).*
- 5.5 It is our Clients ambition to create an extension to the existing garden inspired by the gardens at Sissinghurst, Great Dixter, and Nymans. The area of land that is the subject of this application, comprises a parcel of land to the west of the property that is approximately 1 acre in size. This land is no longer in use for agricultural purposes, as it is not of sufficient size to yield sufficient amounts of hay to be worth any local farmer’s time and effort.

Translating Inspiration into Vision

- 5.6 Developing a garden inspired by these gardens requires a clear understanding of the site's potential, and an openness to evolve with the garden as it matures. This is how our clients envision translating the ethos of these gardens into a cohesive and personal project.

Creating a Master Plan

- 5.7 Inspired by the compartmentalization at Sissinghurst, our clients intend to divide the field into distinct zones or "rooms", each with its own theme and mood. A central axis or pathway, similar to the ones found at Sissinghurst and Nymans, will anchor the design and guide visitors through the garden.

Incorporating a Structured Framework

- 5.8 The framework of the garden will provide a sense of order and coherence:
- **Hedges:** Using yew or hornbeam hedges to define spaces, creating intimate enclosures and dramatic reveals as one moves through the garden.
 - **Pathways:** Incorporating a mix of gravel paths and grassy trails to create a varied and textural journey.
 - **Focal Points:** Specimen trees will serve as focal points at key intersections, offering moments of pause and reflection.

Thematic Planting

- 5.9 Drawing from the planting styles of our clients inspirations:
- **Monochromatic Borders:** A homage to the White Garden at Sissinghurst, our clients plan to dedicate a section to a single colour theme. This might include white roses, silver foliage plants like Artemisia, and white foxgloves for a serene and cohesive look.

- **Dynamic Borders:** Inspired by Great Dixter, bold, mixed borders with layered planting will bring vibrancy and seasonal interest.
- **Woodland Planting:** Echoing Nymans, our clients intend to leave the bottom of the field as natural woodland with shade-loving native plants encouraged to grow such as ferns, wild garlic and bluebells which will also support biodiversity.

Ensuring Enduring Sustainability

5.10 A garden that respects the environment is crucial in today's world. Our clients already garden organically and have noted the following improvements to wildlife diversity since they planted the original garden:

- Bird Support: Both the hedge planting and the variety of seed-bearing plants have already vastly increased the birdlife in the existing garden. Since planting they have seen significant increases in local blue, great and coal tit populations and significantly more blackbirds, robins, goldfinch and thrush. They have new sightings of long-tailed tits, marsh tits, greenfinch, sparrowhawks and red kite and have recently observed green woodpeckers for the first time who are taking advantage of the mown grass paths in the prairie garden to access ants' nests in the lawn. Our clients intention is to actively seek to continue the practice of deliberately planting to encourage and sustain bird life.
- Composting: Recycling green waste will improve soil health and aligns with our clients chemical free ethos in managing the current garden. They currently mulch annually using either mushroom compost or Strulch (an RHS-endorsed mineralised straw mulch) but the eventual aim is to become self-sustaining by composting more of their own garden waste with the associated environmental benefits of having both composting taking place on the property and not requiring delivery of compost and mulch products from external sources.
- Pollinator Support: Planting a diverse range of flowers, including natives, will provide year-round sustenance for bees, butterflies, and other beneficial insects. Our clients have been particularly pleased with the number of new insects the new garden has

attracted with notable increases in the variety and number of bees and butterflies, our first ground wasps and this summer hummingbird moths were seen for the first time on the planting around the house.

- 5.11 Developing the remainder of the field into a garden will not only allow our clients to continue their creative journey but will also continue to provide the significant environmental benefits that are evident in the existing garden. The proposed planting will encourage wildlife diversity in way which the current grassland does not provide. Our clients hope is that this garden will continue to be a sanctuary for wildlife, as well as being a thing of beauty to celebrate the enduring magic of horticulture.

b. Planning Assessment

- 5.12 There have been a number of material changes in planning circumstances since the time of the previous decision being made, with the revisions to the NPPF and the introduction of the Mid Sussex District Plan. Further, the District Plan no longer has a policy, which specifically refers to the Change of use of agricultural land.
- 5.13 **Policy DP26** (Character and Design) states that *“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...*
 - ...· protects open spaces, trees and gardens that contribute to the character of the area...”*
- 5.14 The site lies within an Area of Outstanding Natural Beauty, where **Policy DP16** applies. This policy states that *“development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be*

permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- the identified landscape features or components of natural beauty and to their setting;*
- the traditional interaction of people with nature, and appropriate land management;*
- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported”.

- 5.15 The proposal would extend the residential curtilage of the site to the west side. As shown on the submitted plans, the existing agricultural land to the south is intended to remain in agricultural use, as existing. This would continue to provide a buffer between the property and depot to the rear.
- 5.16 As detailed above, the proposal is merely required to provide more garden land for our clients, which is commensurate with the size of the host property, and also reflective of the size of adjacent plots/gardens for neighbouring dwellings. In this respect the resultant area of residential curtilage will not appear incongruous or excessive, but will rather appear entirely appropriate. Further, and as set out in detail above, the existing residential curtilage has been transformed into a high quality garden and our clients are seeking to include the land to the west which has no agricultural value given its limited size and relationship with adjacent roads and the existing residential curtilage.
- 5.17 It will be noted that this proposal follows a previous approval on the site for the ‘change of use from agricultural land to use within residential curtilage’ (ref:

DM/16/3821). At this time, the Council noted that *“paragraph 115 of the NPPF states that ‘great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty’”. A similar ethos is found within the High Weald Management Plan and at local level where policy C4 of the Mid Sussex Local Plan and Policy DP14 of the District Plan require proposals to preserve or enhance the AONB.*

The section of field to be changed into residential curtilage is set within a well screened plot, while also being viewed in context of the existing dwelling and neighbouring residential curtilage. Consequently, it is considered to preserve the character of the wider High Weald Area of Outstanding Natural Beauty. The proposal is therefore deemed to comply with Policy C4 of the Mid Sussex Local Plan, Policy DP14 of the District Plan, the High Weald Management Plan and Para 115 of the NPPF”.

- 5.18 Paragraph 189 of the revised NPPF continues on a similar thread as above, noting that *“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”*. Further, the High Weald AONB Management Plan 2024 – 2029 was updated and adopted on 27th March 2024. The general ethos of this document remains unchanged.
- 5.19 The section of field to be changed into residential curtilage will continue to be viewed in the context of the existing dwelling and neighbouring residential curtilage. The proposal would preserve the character of the wider High Weald Area of Outstanding Natural Beauty. The proposal would be compliant with guidance contained within the revised NPPF and **Policies DP12, DP16 and DP26** of the District Plan and Policies 1 and 3 of the Slaugham Neighbourhood Plan.

- 5.20 **Policy 3** (Green Infrastructure) of the Neighbourhood Plan states that *“development proposals, which seek to conserve, maintain or enhance existing green infrastructure network will be supported. Proposals to provide additional green infrastructure will be supported...”* The supporting text notes that *“the benefits that result from green infrastructure include: an enhancement in the visual appearance of the area; ... connected networks for wildlife; help to reduce flood risk; ...”*.
- 5.21 Essentially, the application proposes a modest increase in the side garden area of the property by taking an otherwise unused area of grassland that has no agricultural value, and transforming it into high quality garden, which would have a positive impact upon the character and appearance of the surrounding area as well as enhancing the biodiversity of the site. An open, unmanaged buffer area will be maintained between the site and the depot to the rear (which is now in use as vehicle use hire) and Colwood Lane to the west.
- 5.22 The site is well screened by mature planting to the site boundaries with adjacent roads to the west and north. Further, the site slopes downwards, away from the road. A sizeable landscape buffer is retained to the south of the site (within the Applicant’s ownership), which will separate the extended residential curtilage from the depot/commercial use to the south. As such, the application site would not be visible from surrounding viewpoints, including Cuckfield Lane. As detailed at **Fig 4** below, the closest public footpaths run to the east and south of the site, set well away from the application site.

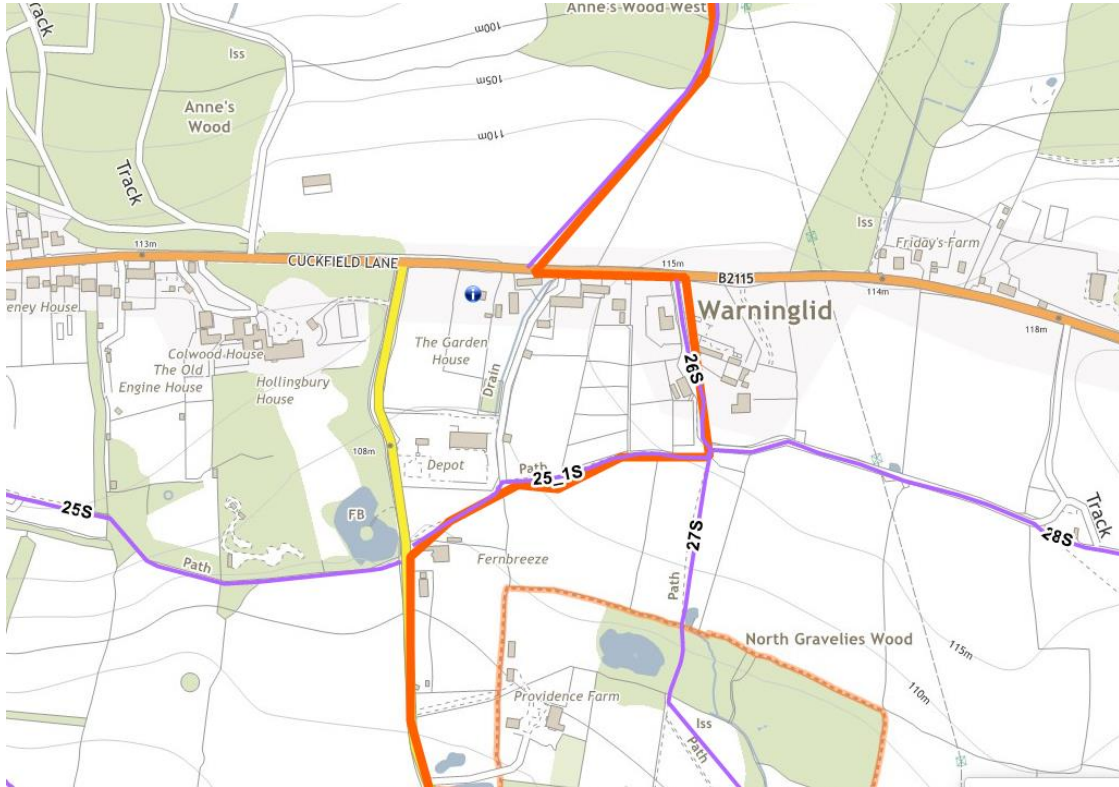


Fig 5. Extract from West Sussex County Council website

- 5.23 The proposal is located to the west of the site and as a result of the property and the existing dense screening to the east side, the sites view from the east would remain unchanged, not being publicly visible from the public footpath to the east. Again, the public footpath to the south is set some distance away from the application site, with a buffer of agricultural land and a large depot positioned between the public footpath and the application site. As such, the site would not encroach into open countryside and the view from the public footpath would remain as existing, namely that of the depot.
- 5.24 It is accepted that the proposal would increase the size of the existing dwellings domestic curtilage. It is our view that given the moderate size of the area of land concerned, it's well established clear and close connection with the dwelling house, the lack of public views of the area of land in question, the local topography, and

the presence of boundary screening; it is not considered that formal recognition of the application site as domestic curtilage will result in a reduction in the rural character of the locality of quality of the surrounding AONB landscape.

5.25 Further, it is our opinion that the benefits of creating a high quality garden which include enhancements to the area both in visual and biodiversity terms, would greatly outweigh any concerns over the loss of this very small area of pasture land, which has no viable agricultural purpose.

5.26 It is noted that Coldharbour to the eastern side of the application site is a Grade II Listed Building. At the time of the previous application, the Council stated that *"Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Owing to the established screening of the application site and Coldharbour it is not considered that the change of use of the agricultural land into residential curtilage would stand out as an individually intrusive element that would be detrimental to the designated heritage asset, as such it will be preserved".

5.27 Due to the location of the parcel of land to the west side of the site, it is considered that the above view would remain unchanged and the change of use of the agricultural land into residential curtilage would not stand out as an individually intrusive element that would be detrimental to the designated heritage asset. As such, Coldharbour would be preserved.

5.28 It is our view that the proposal would not result in an intrusion into the open countryside. Further, there is little prospect of the land being put to an alternative

active agricultural use, given the limited dimensions of the area and its physical relationship with the dwelling house.

- 5.29 Each application should be dealt with on its own individual planning merits. The proposal **would not** set a harmful precedent within the Parish or wider District. Indeed, the proposal would make an effective use of the land, by expanding the existing high quality garden to include the land to the west which has no agricultural value given its limited size and relationship with adjacent roads and the existing residential curtilage.
- 5.30 As detailed above, the closest neighbouring property, is a Grade II Listed Building located to the east side of the host dwelling. At the time of the previous application being considered, the Council was of the view that *“due to the semi-rural character of the street scene and the resulting relationship to the neighbouring residential units it is not considered to cause a significant detrimental impact upon the neighbouring residential amenities in terms of loss of privacy, overlooking, reduction in sunlight and daylight and a reduction in outlook. Consequently, the proposal is deemed to comply with B3 of the Mid Sussex Local Plan”*.
- 5.31 It is our view that the proposed change of use of the land will have no adverse impact upon either the character or appearance of this neighbouring listed building and its setting will in no way be adversely affected, and therefore the proposals will not conflict with **Policies DP26 and DP34** of the District Plan.
- 5.32 It is also our opinion that no harm would arise to the residential amenity of the nearest neighbouring property.
- 5.33 Our understanding is that BNG requirements are not applicable in this case as there is no physical development being undertaken, and therefore the change of use falls under the ‘de minimis’ BNG exemption.

- 5.34 It is our view that the proposal would reflect the existing character of the area and be fully compliant with **Policies DP12, DP16, DP26, DP34 and DP38** of the District Plan, **Policies DPN1, DPN2, DPC1, DPC4 and DPB2** of the Emerging District Plan and **Policies 1 and 3** of the Slaugham Neighbourhood Plan and the requirements of the NPPF.

6. SUMMARY & CONCLUSIONS

- This application is seeking planning permission for the change of use of non-domestic land to domestic land in association with a detached dwelling house in the countryside.
- The application site is set outside of the defined built-up area boundary for Warninglid, within designated countryside. The site is also located within an Area of Outstanding Natural Beauty.
- The proposal follows a previous planning application for '*change of use from agricultural land to use within residential curtilage*' which was approved in November 2016 (ref: DM/16/3821).
- It will be noted from a site visit that our clients have created a high quality garden, which they are seeking to expand to include the land to the west which has no agricultural value given its limited size and relationship with adjacent roads and the existing residential curtilage. Most recently the garden has featured in the December edition of The English Garden magazine (refer to **Appendix A**).
- The proposals include an increase in the size of the residential curtilage of The Garden House to the west side. An area of agricultural buffer between the site and the depot to the rear are maintained.
- It is our view that given the relatively modest size of the area of land concerned, it's well established clear and close connection with the dwelling house and the presence of boundary screening; it is not considered that formal recognition of this as domestic curtilage will result in a reduction in the open, rural characteristics of the AONB landscape.
- As existing, the site is of limited agricultural or landscape value, and there is little prospect of the land being put to an alternative active agricultural use, given the limited dimensions of the area and its physical relationship with the dwelling house.
- The proposal would not set a harmful precedent. Indeed, the proposal would reflect the curtilage size of the immediately adjacent residential property, Coldharbour; and

therefore we contend that the application will result in a curtilage that will respond positively with, and complement the existing character of the area.

- It is our view that no harm would arise to the residential amenity of the nearest neighbouring property, and the setting of this adjacent Grade II Listed Building will also not be adversely affected.
- The creation of the high quality garden would have clear visual and biodiversity benefits

Therefore, as the proposal accords with the aims and objectives of national and local guidance, the application site is a suitable for the proposed development and permission should therefore be granted.

April 2025