

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                                                                                                         |                                        |              |
|----------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------|
| <b>Ref. No:</b>                              | DM/25/0461                                                                                                                                                                                              | <b>Case Officer:</b>                   | Hamish Evans |
| <b>Application Type:</b>                     | Change of Use Application                                                                                                                                                                               |                                        |              |
| <b>Proposal:</b>                             | The application seeks approval to change the use of the existing log cabin building to the rear of the property to a restricted small business use as a small beauty salon to be used by the homeowner. |                                        |              |
| <b>Site:</b>                                 | 2 Council Cottages, Cuckfield Lane, Warninglid, Haywards Heath, West Sussex, RH17 5UB, ,                                                                                                                |                                        |              |
| <b>Validation Date</b>                       | 4 Mar 2025                                                                                                                                                                                              | <b>Overall Expiry Date:</b>            | 15 May 2025  |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                                                                                                         | <b>Pre-Com Conditions Date Agreed:</b> |              |
| <b>Recommendation:</b>                       | Permission                                                                                                                                                                                              | <b>Recommendation Date:</b>            | 28 Apr 2025  |
| <b>Target Date:</b>                          | 29 Apr 2025                                                                                                                                                                                             | <b>Recommending Officer Signature:</b> | Hamish Evans |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 2 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                 |              |             |
|------------------------------|-----------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | Stephen Ashdown | <b>Date:</b> | 29 Apr 2025 |
| <b>Comments:</b>             |                 |              |             |

## **MID SUSSEX DISTRICT COUNCIL**

**DM/25/0461**

**2 Council Cottages, Cuckfield Lane, Warninglid, Haywards Heath, West Sussex, RH17 5UB,**  
The application seeks approval to change the use of the existing log cabin building to the rear of the property to a restricted small business use as a small beauty salon to be used by the homeowner.

**Mr Matthew Cristofoli**

### **SUMMARY OF REPRESENTATIONS**

One third-party letter of representation has been received, which objects to the proposal due to the below reasons:

- Its impact on amenities of nearby residents,
- Proximity to ancient woodland,
- Parking issues,
- Cumulative impact with existing business uses, and
- Difficult to enforce planning conditions.

### **SUMMARY OF CONSULTEES**

#### **WSCC Highways**

No objection.

#### **MSDC Environmental Protection**

No objection, subject to conditions.

### **SLAUGHAM PARISH COUNCIL OBSERVATIONS**

No objection.

### **INTRODUCTION**

The application seeks planning permission for the change of use of an existing building to be used as a beauty salon at 2 Council Cottages Cuckfield Lane Warninglid RH17 5UB.

### **Relevant Planning History**

DM/20/3055. Proposed single storey outbuilding to be used as home office. Permission.

DM/24/3059. Lawful Development Certificate for the existing use of a log cabin, used for ancillary use to C3 (residential) erected in rear garden in February 2020. Permission.

### **SITE AND SURROUNDINGS**

The site is located within the countryside and the High Weald Area of Outstanding Natural Beauty (now known as National Landscapes). There is Ancient Woodland to the north of the site and the rear of the site is located within the 15 metre Ancient Woodland buffer. The existing dwelling is a two-storey semi-detached residential property which is characterised by bare brown brickwork and pebbledash render walls, brown clay roof tiles and white uPVC window and door frames. The existing single storey building is located to the north of the existing dwelling within the existing garden. There are some three off-street parking spaces to the front and side of the existing dwelling.

Cuckfield Lane is located to the south of the site, residential properties are located to the east and west of the site, open countryside and Ancient Woodland is located to the north of the site.

## **APPLICATION DETAILS**

The application seeks planning permission for the change of use of an existing building to be used as a beauty salon. The proposed use would be operated by the occupiers of the main dwelling and the submitted statement advises that the proposed use would be on a one-to-one arrangement. The existing building has two rooms one which will be used for general beauty treatments and the second to be used for tanning and storage.

The proposed hours of operation are Monday to Friday 09:30 - 20:00, Saturday 09:30 - 15:00 and it will not be in operation on Sunday or Bank Holidays. One of the existing parking spaces to the front of the existing dwelling will be used for customers. The submitted documents confirm that there would be no external alterations to the existing building and no external lighting has been proposed.

## **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 Mid Sussex District Plan, the Mid Sussex Site Allocations DPD and Slaugham 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:

DP1 - Sustainable Economic Development  
DP16 - High Weald Area of Outstanding Natural Beauty  
DP21 - Transport  
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.

### **SLAUGHAM NEIGHBOURHOOD PLAN (adopted September 2019)**

Policy 1 - Protecting the 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 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.

DPN4: Trees, Woodland and Hedgerows  
DPC4: High Weald Area of Outstanding Natural Beauty  
DPB1: Character and Design  
DPT4: Parking and Electric Vehicle Charging Infrastructure  
DPE1: Sustainable Economic Development

#### *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 High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029*

### **ASSESSMENT**

#### **Principle of Development**

Policy DP1 of the District Plan seeks to support sustainable economic development in appropriate locations.

The proposal represents new commercial development operating from an existing outbuilding within the curtilage of an existing dwelling. The surrounding area is wholly residential and although commercial uses within residential areas may not always be appropriate, each case should be considered on its own merits.

The site is located within the defined built up area boundary of Warninglid. This is considered to be a sustainable location, with access to the local services in the village and to public transport. Limited hours of operation are suggested by the MSDC Environmental Protection team, and the business seeks solely to provide employment for the occupier of 2 Council Cottages; these matters can be secured through the imposition of suitably worded conditions. The proposed works would not seek to increase the existing footprint of the building and due to the limited floor space the proposed level of use could not easily be intensified. The proposal is therefore considered to comply with DP1 of the Mid Sussex District Plan.

A third-party representation letter has been received in respect of the application and it objects due to the potential cumulative impact with existing business uses. It should be noted that each application is considered on its own merits and that due to the above reasons the principle of the proposal is considered to be acceptable.

#### **Highways and Parking**

Policy DP21 of the Mid Sussex District Plan in part states:

*'The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;'*

The proposal seeks to introduce a small-scale commercial use at the site which would use one of the existing off-street parking spaces to the front of the site. West Sussex County Council as the Local

Highways Authority have commented on the application and advised that given the small-scale nature of the proposal the proposed off-street parking arrangement would be considered acceptable and that they would not anticipate that the proposal would give rise to a significant increase in movements to or from the site.

Taking into account the above the application is considered to comply with policy DP21 of the Mid Sussex District Plan and the West Sussex County Council September 2020 Parking Guidance.

A third-party representation letter has been received in respect of the application and it objects due to the potential parking issues, however given the above assessed the proposed off-street parking arrangement is considered to be acceptable.

## **Character and Design**

Policy DP26 of the Mid Sussex District Plan in part 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.'*

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The proposal does not include any external alterations to the existing building and it would not seek to increase the existing footprint of the building. The resulting use would be relatively modest in its nature which can be secured by suitably worded conditions. The proposed use would not be intensive and it would not harm the existing character of the site.

As such it is considered to comply with policy DP26 of the Mid Sussex District Plan, the Mid Sussex Design Guide and the relevant paragraphs of the NPPF.

## **Impact on the High Weald Area of Outstanding 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 16 of the District Plan requires proposals in the AONB to conserve or enhance natural beauty. It also in part states:

*'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.'*

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

*'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 ethos is found within policy DP16 of the Mid Sussex District Plan, policy 1 of the Slaugham Neighbourhood Plan and the High Weald AONB Management Plan 2024-2029.

The proposed works are relatively modest in their nature and the proposed use would also be of a relatively modest nature. It is considered to be a small scale proposal and it is considered to consist of a modest and low impact use. As such it would not have any adverse impact on the landscape quality of the AONB, it would be compatible with the conservation and enhancement of natural beauty and the proposal therefore complies with the requirements of policy DP16 of the District Plan, policy 1 of the Slaugham Neighbourhood Plan, High Weald AONB Management Plan 2024-2029 and paragraph 189 of the NPPF.

## **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);'*

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The proposal does not seek make any external alterations and does seek to increase the footprint of the existing building.

The Council's Environmental Protection Team have raised no objection to the proposal but have recommended conditions to secure the use of the building and the operating hours of the building. The proposed use is considered to be relatively modest in its nature and due to the limited floor space the proposed level of use could not easily be intensified.

Taking into account the above it is considered that the proposal would not cause significant harm to the amenities of nearby residents including taking account of the impact on overlooking and loss of privacy, reduction in sunlight and daylight and a loss of outlook. The proposal is therefore, considered to comply with the above-mentioned part of policy DP26 and the Mid Sussex Design Guide SPD.

A third-party letter of representation has been received which objects to the proposal in part due to its impact on the amenities of nearby residents. However, for the reasons set out it is considered that the proposal would not cause significant harm to the amenities of nearby residents, and as such is considered acceptable.

## **Trees, Woodland and Hedgerows**

Policy DP37 of the Mid Sussex District Plan in part states:

*'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 existing building that is proposed to be used as a commercial building is located within the 15-metre buffer zone of the Ancient Woodland located to the north of the site. The proposed does not seek to externally alter the building and it would not seek to increase the existing footprint only change the use of the building. As such the proposed development's location is considered to be acceptable and would not harm the Ancient Woodland located to the north of the site.

Taking into account the above the proposal is considered to adequately protect the Ancient Woodland and the proposal would comply with policy DP37 of the Mid Sussex District Plan.

A third-party letter of representation has been received which objects to the proposal in part due to its impact on the Ancient Woodland, however given the above assessment and that the proposal would not increase the footprint of the existing building it would not harm the Ancient Woodland.

### **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.

### **Other Matters**

A third-party letter of representation has been received which objects to the proposal in part due to the difficulty to enforce planning conditions if the business becomes successful. The success of the business does not negate the need to comply with planning conditions and a planning application would be required for a use that does not comply with this application.

### **CONCLUSION**

In conclusion, the proposal would represent a form of sustainable economic development, it is considered to address the character and scale of the existing and surrounding buildings and landscape and the proposal would not have any adverse impact on the landscape quality of the AONB. It would also not cause significant harm to the amenities of nearby residents, the ancient woodland to the north of the site would be adequately protected and the proposed parking arrangement is considered to be acceptable. Due to its low impact nature and modest nature it would be compatible with the conservation and enhancement of natural beauty. The application is also exempt from the requirement to provide biodiversity net gain. Therefore, the proposal complies with policies DP1, DP16, DP21, DP26 and DP37 of the Mid Sussex District Plan, the MSDC Design Guide SPD, policy 1 of the Slaugham Neighbourhood Plan, the High Weald AONB Management Plan 2024-2029, West Sussex County Council Guidance on Parking at New Developments and with the relevant provisions of the NPPF.

Decision:       Permission

Case Officer: Hamish Evans