

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0620	Case Officer:	Andrew Horrell
Application Type:	Householder Application		
Proposal:	Propose to raise the level of a 10m by 15m area of the garden using excess soil from the previous garage build. (Great Crested Newt report recieved 01/07)		
Site:	Rezvan, 48 Lucastes Avenue, Haywards Heath, West Sussex, RH16 1JY, , ,		
Validation Date	1 Jul 2025	Overall Expiry Date:	22 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	18 Sep 2025
Target Date:	26 Aug 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	4
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Signed and Agreed By:	Steven King	Date:	18 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0620

**Rezvan, 48 Lucastes Avenue, Haywards Heath, West Sussex, RH16 1JY, ,
Propose to raise the level of a 10m by 15m area of the garden using excess soil from the
previous garage build. (Great Crested Newt report recieved 01/07)
Mr Simon Beal**

SUMMARY OF REPRESENTATIONS

Letters of objections have been received from neighbours in Harlands Road on the following grounds:

- Impact on wildlife

SUMMARY OF CONSULTEES

West Sussex Naturespace: The proposed development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on great crested newts or their habitats. I therefore have no comments to make at this time. If the proposal changes, then please seek further advice from me if necessary.

TOWN COUNCIL OBSERVATIONS

No comment

INTRODUCTION

Planning permission is sought for the raising of the level of a 10m by 15m area at the rear of the garden to side of a pond, using excess soil from the previous garage build.

RELEVANT PLANNING HISTORY

There is a considerable planning history to the original site, which includes what is currently the dwelling at 50 Lucastes Avenue and is now in separate ownership.

Applications at the site have centred around the demolition of the original dwelling and the provision of additional residential dwellings within the grounds. Applications regarding the demolition of No.48 have so far been refused and dismissed at appeal.

The most recent planning history includes:

13/03937/FUL - Proposed demolition of 48 Lucastes Avenue and the erection of two five bedroom dwellings with integral garages, cycle and refuse storage, associated parking and turning and home office ancillary buildings. - Refused 10.02.2014 AP/14/0016 - Appeal dismissed 23.06.2014

14/03933/FUL - Demolition of existing dwelling and erection of 6 no. 2 bed apartments associated parking cycle and refuse storage and a summer house. Amended plans received 23rd December 2014. - Refused 16.02.2015 AP/15/0006 - Appeal dismissed 23.07.2015

DM/16/5665- Demolition of semi-derelict rear attached out buildings and garage. Construction of single storey rear extension, dormer window in front roof slope together with associated internal alterations. PERMISSION 16.02.2017

DM/17/4639 - Erection of double garage with pitched roof together with new front entrance gates and brick piers (Approved)

DM/24/0218 - Erection of double garage with pitched roof together with new front entrance gates (approved)

SITE AND SURROUNDINGS

Rezvan, 48 Lucastes Avenue is a two storey detached pitched roofed dwelling. The dwelling is characterised by a mix of face brickwork and painted render with timber windows and doors with front and rear dormers and a front gable.

To the north-east of the site is the rear garden with woodland and pond beyond, to the south-east of the site is woodland with No.46 beyond, to the north-west of the site is close boarded fencing to set forward No.50 and to the south-west of the site is the driveway with highway beyond.

The site is within the built-up area of Haywards Heath and within the Lucastes Conservation Area.

APPLICATION DETAILS

The boggy land to the west side of the pond at the rear of the garden which measures 15m by 10m, will be raised by up to 30cm with soil and finished with grass seed.

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, Site Allocation Development Plan Document (DPD) and the Haywards Heath 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:

Policy DP26 - Character and Design

Policy DP35 - Conservation Areas

Policy 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.

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made on 15th December 2016

Relevant policies:

Policy E9 - Design

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs that in considering whether to grant planning permission for development which affects a conservation area, the local planning authority or, as the case may be, the Secretary of state shall have special attention to the desirability of preserving or enhancing the character or appearance of that area.

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPB1 - Design
DPB3 - Conservation Areas

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131, 135 and 207 - 215 are considered to be relevant to this application.

ASSESSMENT

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

- o Design and Impact on the character and appearance of the area and Impact on Conservation Area
- o Neighbour Amenity
- o Protected species
- o Biodiversity Net Gain

Design and Impact on the character and appearance of the area

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'.

Policy E9 of the Haywards Heath Neighbourhood Plan is most relevant and states:

'Developers must demonstrate how their proposal will protect and reinforce the local character within the locality of the site. This will include having regard to the following design elements:

- o height, scale, spacing, layout, orientation, design and materials of buildings,*
- o the scale, design and materials of the development (highways, footways, open space and landscape), and is sympathetic to the setting of any heritage asset,*
- o respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site,*
- o creates safe, accessible and well-connected environments that meet the needs of users,*
- o Will not result in unacceptable levels of light, noise, air or water pollution,*
- o Makes best use of the site to accommodate development,*
- o Car parking is designed and located so that it fits in with the character of the proposed development.*

Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character'.

In terms of impact on the Conservation Area, this application needs to be considered with reference to guidance contained in the relevant paragraphs of the NPPF and with regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the character or appearance of the Lucastes Conservation Area, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The District Plan contains Policy DP35, which requires development to conserve or enhance the special character and appearance of Conservation Areas. The Policy states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
 - Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
 - Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*
 - Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;*
 - Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;*
 - New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.*
- Development will also protect the setting of the conservation area and in particular views into and out of the area.*

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

E9 of the Haywards Heath Neighbourhood Plan has a similar ethos stating:

'Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character'.

Paragraphs 212 - 215 of the NPPF are most relevant and state:

'212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The original pond (as shown by historical mapping) is to be retained.

The proposed works will not be out of character with the area and will not be visible from the streetscene.

Given the nature of the proposal, it would conserve the special character of the Lucastes conservation Area.

With respect to the proposed land levels it would not affect views in or out of the site and would not be visible from the public vantages. The development is therefore considered to comply with policies DP26 and DP35 of the District Plan and policy E9 of the Neighbourhood Plan.

Impact on neighbouring properties

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. As such the test is whether the development causes significant harm to neighbouring amenities as outlined above.

Given the nature of the proposal, harm to neighbouring amenities is not deemed to be caused.

Biodiversity

The relevant District Plan Policy with regards to biodiversity and its protection is DP38. This states:

'Biodiversity will be protected and enhanced by ensuring development:

o 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
o 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
o Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
o Promotes the restoration, management and expansion of priority habitats in the District; and
o 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 site falls within the Red Impact Risk Zone for Great Crested Newts. As such the Newt Officer has been consulted on this application and they have no concerns.

The proposal will accord with the aims of District Plan Policy DP38 to protect ecology present on the site and within its locality.

Other

Concerns have been raised as to the impact on wildlife. It has been confirmed by the applicant that no protected species are within the pond which is impacted by the proposal.

Concern has been raised regarding potential contamination from rubble, in relation to the soil to be harnessed to raise the land level. The design and access statement submitted with the application confirms that the soil will be the excess removed from building the garage (planning ref DM/24/0218). Soil will be moved, levelled and finished with grass seed. Any remaining soil and rubble from the garage build will be removed from site. Therefore all rubble will be removed from the site with only soil used to raise the land levels.

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

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF.

The proposal involves a relatively modest amount of levelling out of the land to the rear of the dwelling.

The overall appearance of the works is acceptable with minimum impact outside the site. The proposal will not be out of character with the area and the wider conservation area. Biodiversity is not deemed harmed by the proposal.

There would be no adverse impact upon neighbours. The application is therefore in compliance with policies DP26, DP35 and DP38 of the District Plan and policy of E9 of the Neighbourhood Plan and the relevant paragraphs of the NPPF. Therefore the scheme complies with the Development Plan and permission is granted.

Decision: Permission

Case Officer: Andrew Horrell