



CUCKFIELD PARISH COUNCIL

The Queen's Hall
High Street
Cuckfield
West Sussex RH17 5EL
Tel 01444 451610
www.cuckfield.gov.uk

Ms Kay Spiking
Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH

By email to: k.spiking@coinweb.lgo.org.uk

22nd June 2019

Dear Ms Spiking

Your ref – 18 015 596: Mid Sussex DC Development ‘Scale’

Mr Roger Crouch has forwarded to me a draft determination you have recently made, concerning a Mid Sussex District Council (MSDC) planning issue that he asked you to review. Following the Pelham House extension application in Cuckfield, he enquired how MSDC determines the issue of development ‘scale’, as he felt it was not clear in the officer’s report and he had not received a satisfactory response from them.

Cuckfield Parish Council (CPC) has also corresponded with MSDC on this issue (amongst others), as it has similar concerns after a number of applications. We have attached this and their response.

The term ‘scale’ appears in District Plan policies numerous times (not to mention in our ‘made’ Neighbourhood Plan), but the policy documents contain no further guidance on what this means and how planning officers interpret this objectively to applications. CPC Planning Committee therefore sought advice so that recommendations it makes to the Local Planning Authority, as a statutory consultee, may be as helpful as possible. However, it would appear from the responses received that there is no definition or advice currently available.

We would therefore agree with Mr Crouch, and recognise his frustrations, that the question remains unanswered as to how the Local Planning Authority can determine applications on these policies if it does not have an objective way of doing so. We understand that further clarification may be outlined in the design report MSDC have belatedly commissioned, but what until this is published? Surely any application outcome where development ‘scale’ is a key issue is open to challenge, which would not serve the community well.

We are therefore forwarding this in the expectation that this will assist you in the final determination of this matter, and in the hope that we, and Mr Crouch, may receive further advice.

Yours sincerely,



Andrew Burton

Chair

Cuckfield Parish Council

Enclosed below:

Cuckfield Letter to MSDC, 28th March 2019

MSDC response from Sally Blomfield, 16th April 2019



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Kathryn Hall
Chief Executive
MSDC
Oaklands
Oaklands Road
Haywards Heath
RH16 1SS

28th March 2019

Dear Kathryn

There are a number of planning or development issues related to Cuckfield that we would appreciate a response or update to:

- 1. Broad Street:** The gates at the entrance to the recent development along Broad Street, which block the views and your officers have agreed are not consented, have been erected for over a year now. The most recent correspondence from you signalled you were awaiting a response from the developers but we would have expected to see some action on this by now.
- 2. Buttinghill:** This extraordinary saga appears to show no signs of resolution, with Taylor Wimpey seemingly having gone into 'radio silence' in the last few months. It appears as though the pond banks are still slipping (we note the appearance of the survey laser targets). We are wondering how long they can possibly drag this out (it's a year since the S106 states that the PC should have taken over the land).
- 3. Development "scale":** Thank you for the response from Sally Blomfield on 30th January regarding our queries about the interpretation of "scale". We are reassured that all applications receive careful assessment by various officers, as stakeholders would expect. However, the response did not answer our question, which was for guidance on how the Parish Council Planning Committee should be interpreting the District Plan policies on the issue (DP3, 6, 14, 15, 20, 24, 26, 30, 32, 34 and 35 are all relevant, alongside Neighbourhood Plan policies of course) to ensure responses can be aligned with how applications are likely to be reviewed and determined by the LPA, on this key consideration. We would be grateful for further definition on this.
- 4. District Planning meetings:** a number of CPC councillors have attended recent District planning meetings, and have serious concerns about the proceedings. The debates are often contradictory, confused and circular, with justifications for refusal on one application (particularly impact from vegetation) then being discounted in the next. Of most serious note is the dismissive and derogatory manner in which town

and parish councils' concerns are dismissed as of no-consequence, which together with the lack of ANY debate or discussion of Neighbourhood Plans policies (most Members clearly have limited understanding of the whole Development Plan) leads to interminable and depressing evenings for local people. Given MSDC prides itself with the coverage of its Neighbourhood Plans, we would expect a far better understanding and respect for the extensive voluntary work which has gone into these by hundreds of parishioners (not to mention the legal requirement!). We would ask what training Councillors have received in this area?

5. **Court Meadow School ACV:** You'll be aware that CPC submitted a proposal for Court Meadow school to be added to the Asset of Community Value register. The response we received from MSDC was a one-page standard dismissal. This highlights to us, again, the disdain that MSDC appears to hold for parish and town councils. Whilst there may be legal requirements to fulfil, an explanation on the reasons for the refusal would not be unreasonable.

We look forward to your responses on these important issues.

Yours sincerely

Paul Mantripp
Chair
Cuckfield Parish Council

Contact:

Sally Blomfield 01444 477063
E-mail: sally.blomfield@midsussex.gov.uk

Your Ref:

Our Ref: SB/EF

Date: 16th April 2019

Mr Paul Mantripp
Chair
Cuckfield Parish Council
The Queen's Hall
High Street
Cuckfield
RH17 5EL

Dear Paul,

Thank you for your letter to the Chief Executive dated 28th March 2019. The Chief Executive has asked me to respond on her behalf.

1. Broad Street Gates – The Council must follow due process and as such it sometimes takes time to resolve planning enforcement issues. I can appreciate that in the absence of any updates the Parish Council might feel that no progress has been made or that the issue is not being addressed. I can reassure that Mid Sussex takes enforcement matters very seriously and has a Team dedicated to this. There is guidance and a monthly update on enforcement action taken on the Council's web pages which can be found at:

<https://www.midsussex.gov.uk/planning-building/enforcement-of-planning-control/>. The delay in progress on the Broad Street Gates is due to the need to get a legal interpretation on whether the erection of these gates was permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). If the gates had been classified as permitted development the Council could not take enforcement action. The Council has now received legal advice and planning permission is required. Therefore, an enforcement notice requiring the removal of the gates will be issued.

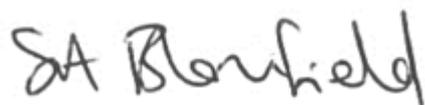
2. Buttinghill - You are aware of the background to this matter and as such I need not repeat it here. The current application seeks to amend the wording of conditions number 5,11 and 12 imposed on the planning permission for this development. The effect of the application, if permitted, would be to regularise the drainage works that have been carried out with additional landscaping. There has been much discussion of the issue but I am confident that a decision will be made by the end of this month.

3. Development Scale – The District Plan sets out the design principles against which planning applications are determined. However, in recognition of the importance of design and the need to set out further detailed guidance, the Council has recently commissioned architects and designers, Urban Initiatives, to prepare a detailed design guide. This will set out guidance on context and character and provide more detail on all development from extensions to new build. It is anticipated that the Council will consult on this draft Design Guide in July this year which will give the Parish Council an opportunity to make comments.

4. District Planning Meetings – I am disappointed to hear that a number of your Councillors have expressed serious concerns about how the District Planning Committee meetings are run. However, I can assure you that all Councillors on Planning Committees are required to attend regular planning training including when there are significant changes in policy (most recently on the adoption of the District plan and the publication of the revised National Planning Policy Framework). This training is mandatory. In addition, Planning Committees are served by Senior Members of the Planning Team and by a legal officer in order to ensure their probity.

5. Court Meadow School ACV – I can assure you that the response from this Council took into account the specific context of the proposals and proper process was followed.

Yours sincerely,



Sally Blomfield
Divisional Leader for Planning and Economy