

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0310	Case Officer:	Joanne Fisher
Application Type:	Full Application		
Proposal:	Proposed erection of 1 No. single storey, self-build dwelling house, with new access and parking on garden land to the east side of Twinham.		
Site:	Twinham, 34 Hurst Road, Hassocks, West Sussex, BN6 9NL, , ,		
Validation Date	11 Feb 2025	Overall Expiry Date:	7 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	31 Mar 2025
Recommendation:	Permission	Recommendation Date:	31 Mar 2025
Target Date:	8 Apr 2025	Recommending Officer Signature:	Joanne Fisher

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	1 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0310

**Twinham, 34 Hurst Road, Hassocks, West Sussex, BN6 9NL, ,
Proposed erection of 1 No. single storey, self-build dwelling house, with new access and parking
on garden land to the east side of Twinham.
Mrs Bullivant And Mr Nayfeld**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Highways Authority

No objection subject to conditions.

MSDC Flood Risk and Drainage

No objection subject to condition.

MSDC Tree Officer

No objection to this proposal. Please condition adherence to the Tree Report, regarding methodology and tree protection.

MSDC Ecology Consultant

Recommend approval subject to conditions.

MSDC Archaeology Consultant

No historic environment objections subject to attached conditions

MSDC Street Name and Numbering

Informative.

Nature Space

The applicant has submitted an Ecological Impact Assessment that provides a series of Reasonable Avoidance Measures to follow during construction. This would be deemed suitable for the proposed development, and it is recommended that they are secured via condition.

Southern Water

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

PARISH COUNCIL OBSERVATIONS

Recommend approval subject to MSDC approval of the drainage and access requirements. The applicant is advised that Government has committed to adopt a 'Future Buildings Standard' during 2021 which will change the Building Regulations requirements for alterations and extensions to homes to bring

these alterations closer to that of a 'zero energy building'. This is supported by Policy 5 'Enabling Zero Carbon' of the Hassocks Neighbourhood Plan which states that proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation. Energy saving measures include floor, roof and wall insulation, and low u-value windows (which may need to be triple glazed). These requirements may require amendments to your design which could affect the drawings submitted for planning permission. The applicant may wish to note that alterations that are built to a Nearly Zero Energy standard, are unlikely to need further retrofitting to minimise the carbon emissions that the nation is required to reduce to zero by 2050. As retrofitting an existing home to be highly energy efficient is more complex than doing so for a new building, applicants may wish to look at the 'EnerPHit' standard that the Government is understood to be considering as the applicable 'Nearly Zero Energy' standard in this context, or at the Archetypes published by the London Energy Transformation Initiative for u-values for your extension walls, windows etc. and for ventilation and overheating prevention standards to be achieved.

INTRODUCTION

Permission is sought for the erection of 1 No. single storey, self-build dwelling house, with new access and parking on garden land to the east side of Twinham, 34 Hurst Road, Hassocks.

RELEVANT PLANNING HISTORY

There is no relevant history on this parcel of land which is in the ownership of the dwelling to the west of the land of Twinham, 34 Hurst Road. This is a modern property which was approved under planning reference DM/16/3868.

SITE AND SURROUNDINGS

The land slopes away to the north from the highway. It forms an area of grass to the side of the existing dwelling Twinham as an additional garden area.

There is tree and vegetation screening on the southern boundary with the highway. To the northern and eastern boundaries is fencing with hedging beyond the fence.

The dwelling to the west of Twinham is a modern designed flat roofed dwelling. Due to the levels of the site it is single storey to the front and two storey at the rear. To the east is a detached two storey dwelling with first floor windows and a Juliette balcony facing towards the site.

Along Hurst Road there is a mixture in the design and scale of dwellings. However, properties form linear ribbon development along the highway. There is a footpath on the northern side of the road leading between Hassocks and Hurstpierpoint.

The application site is designated within the District and Neighbourhood Plans as being within the countryside and within the Hurstpierpoint and Hassocks Countryside Gap.

APPLICATION DETAILS

The proposal comprises of a single storey detached dwelling on land to the east of Twinham.

The dwelling would be of a 'L' shape measuring some 12.98 metres in width, 12.9 metres in depth with an eaves height of some 2.9 metres and an overall height of some 4.1 metres. Due to the sloping nature of the site, the dwelling is to be raised to the rear with a retaining wall and a raised rear patio area.

Plans show that the dwelling would be constructed in vertical natural timber boarding with a grey metal standing seam roof with grey aluminium windows and doors. There would be three rooflights on the front elevation of the dwelling.

The dwelling would comprise of an open plan kitchen, dining and living area with a utility, bathroom, two bedrooms (one with an en-suite and dressing room) and a study. On the front elevation would be two doors - one serving the front entrance and the other serving the utility.

To the front of the dwelling would be an area of hardstanding providing off road parking for two cars and a turning area.

It has been submitted that the dwelling is a self-build.

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.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Hassocks Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) 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:

DP4: Housing

DP6: Settlement Hierarchy

DP12 - Protection and Enhancement of Countryside

DP13 - Preventing Coalescence

DP15 - New Homes in the Countryside

DP17 - Ashdown Forest SPA and SAC

DP21 - Transport

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP29 - Noise, Air and Light Pollution

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

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.

Hassocks Neighbourhood Plan

The Hassocks Neighbourhood Plan was made in 2020.

Relevant policies:

Policy 1: Local Gaps

Policy 4: Managing Surface Water

Policy 5: Enabling Zero Carbon

Policy 9: Character and Design

Policy 14: Residential Development Within and Adjoining the Built-Up Area Boundary of Hassocks.

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:

DPS2 - Sustainable Design and Construction

DPS4 - Flood Risk and Sustainable Drainage

DPN1 - Biodiversity, Geodiversity and Nature Recovery

DPN4 - Trees, Woodland and Hedgerows

DPN6 - Pollution

DPN7 - Noise Impacts

DPC1 - Protection and Enhancement of the Countryside

DPC2 - Preventing Coalescence

DPB1 - Character and Design

DPT3 - Active and Sustainable Travel

DPH2 - Sustainable Development - Outside the Built-Up Area

DPH6 - Self and Custom Build Housing

DPH11 - Dwelling Space Standards

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 NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

Technical Housing Standards

ASSESSMENT

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

- Principle
- Design and Impact on the character and appearance of the area
- Highways
- Impact on Residential Amenity
- Dwelling Space Standards

- Flood Risk and Drainage
- Trees
- Ecology
- Archaeology
- Sustainability
- Ashdown Forest
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle

As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Hassocks as defined by the District Plan. As such the site is located within the defined countryside.

Policy DP12 of the District Plan refers to the protection of the countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

Policy DP6 of the District Plan states in part that:

'Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- 2. The site is contiguous with an existing built up area of the settlement; and*
- 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

The proposed residential development complies with points 1 and 3 of the above criteria. However, all 3 of the criteria are required to be met for this policy.

Policy DP15 of the District Plan refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;

- Essential agricultural or forestry workers accommodation
- Exceptional design quality for isolated new homes
- Rural exception sites
- DP6 requirements being met

The proposed residential development does not meet any of these special justifications.

Policy DP13 promotes well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence. This is provided the proposed development is not in conflict with policy DP12, which seeks to protect and enhance the countryside. The development should not have an unacceptably urbanising effect on the area between settlements.

Policy 1 of the Hassock Neighbourhood Plan states that:

'Local Gaps have been defined and will be safeguarded between:

- a. Keymer/Hassocks and Ditchling,*
- b. Keymer/Hassocks and Hurstpierpoint, and*
- c. Keymer/Hassocks and Burgess Hill.*

As defined on the Policies Map with the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.

Development will be supported within the Local Gap where:

1. It is necessary for the purposes of agriculture, or other uses which accord with national and local policies for the use of land and buildings in the countryside,

or

2. It is a scheme for housing that is in accordance with MSDP Policy DP6 (1-3) or Policy SD25 of the South Downs Local Plan as appropriate to the location of the proposed development, and it would not compromise individually or cumulatively the objectives and fundamental integrity of the gaps between Hassocks and the settlements of Ditchling, Hurstpierpoint, and Burgess Hill.'

Policy 14 of the HNP states in part that, *'Development proposals for residential development outside of the built-up area of Hassocks will be supported where they are in accordance with Policy DP6 of the Mid Sussex District Plan, Policy SD25 of the South Downs Local Plan and Policy 1 of this Plan.'*

There are no other relevant policies in the District Plan, any other development plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site. Whilst there is some compliance with Policy DP12, insofar as the development is deemed to maintain or enhance the quality of the rural and landscape character, as demonstrated in the design/visual amenity sub-section, the principle of the application does conflict with the development plan, in terms of what type of development is allowable under Policies DP6, DP12 and DP15.

As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.

The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;

'For decision-taking this means;

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;

i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a

National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of deliverable housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).

As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

Policy DP13 (Preventing Coalescence) seeks to protect the separate identity of settlements and as such does seek, alongside policy DP12, to restrict certain forms of development. As with DP12, it is not considered that this policy directly relates to the supply of housing however, for the same reasoning as above, the weight that can be given to this policy is moderate.

Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.

Policies 1 and 14 of the Hassocks Neighbourhood Plan are also to be given moderate weight in the consideration of this application proposal for the same reason as DP13, as they both seek to protect the separate identity of settlements.

Therefore the key test that must be undertaken when assessing this application is as set out within paragraph 11(d) of the NPPF.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Design and Impact on Character of the Area

One of the objectives of achieving sustainable development is to ensure that proposals '*contribute to protecting and enhancing our natural, built and historic environment*' (para 8, NPPF).

The site falls outside of the built up area (within the countryside). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area. Policy DP12 of the District Plan in part requires proposals to '*maintains or where possible enhances the quality of the rural and landscape character of the District*'.

Para 187 of the NPPF requires proposals to contribute to and enhance the natural and local environment by '*recognising the intrinsic character and beauty of the countryside*'.

Policy DP26 of the District Plan relates to character and design. It 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 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.'*

Policy 9 of the Neighbourhood Plan states:

'Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:

- 1. Is of high quality design and layout,*
- 2. Contributes positively to the private and public realm to create a sense of place,*
- 3. Respects the character and scale of the surrounding buildings and landscape,*
- 4. Protects open spaces and gardens that contribute to the character of the area,*
- 5. Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton,*
- 6. Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security,*
- 7. Creates safe, accessible and well connected environments,*
- 8. Protects existing landscape features and contributes to the village's Green Infrastructure network,*
- 9. Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area, and*

10. Positively responds to the local vernacular character of the defined Local Townscape Character Area.'

Within the Design Guide there is support for high quality buildings that minimise their environmental impact under principle DG37. Principle DG38 requires architectural integrity and a sense of place where the façade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings.

Paragraph 131 of the NPPF states that:

'The creation of high quality 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.'

The proposal would result in a contemporary designed dwelling. Due to the neighbouring property 'Twinham' being a contemporary dwelling, it is considered that the design would not be out of keeping with the character of the area. As there is a mixture in the design and scale of dwellings along this part of Hurst Road, it is considered that the proposal would maintain the character of this part of the district.

The dwelling is to be set back from the highway, screened by trees and vegetation. Due to its single storey nature it is not considered that the dwelling would cause detriment to the street scene or to the character of the area.

The proposed plot size would have a reduced depth when compared with those that surround. However the surrounding area is mixed in character, with the proposed dwelling size being proportionate to the plot size.

In respect of coalescence, there is linear ribbon development along Hurst Road. The proposal would form an infill within an existing garden area between two dwellings. Due to the location of the site and the spacing between properties it is considered that the dwelling would not result in a coalescence between Hassocks and Hurstpierpoint.

In light of the above, the proposal is considered to maintain the character of the countryside in this part of the District, and would be appropriate to the street scene and character and appearance of the area. The proposal thereby complies with policies DP12 (in respect of maintaining the landscape character of this part of the District) and DP26 of the District Plan, policy 9 of the Neighbourhood Plan, the design principles of the Mid Sussex Design Guide and the provisions of the NPPF.

Highways

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

Paragraph 115 of the NPPF is relevant in respect of transport matters and states that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 116 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The site lies within the 30 mph speed limit. A new vehicular access point is proposed on Hurst Road to serve this site. There would be two off road parking spaces to the front of the dwelling with a turning

area. No details have been provided in respect of cycle parking, however, a condition relating to this could be placed on a permission.

The Highways Authority has considered the proposal. They note that whilst visibility has not been demonstrated for the proposed access point, visibility splays in excess of 43m appear achievable in both directions solely within the maintained highway boundary. They consider that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

In light of the above, the proposal is acceptable in highway terms and complies with Policy DP21 of the District Plan and the requirements of the NPPF.

Residential Amenities

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*.

The test as set out under policy 9 of the Neighbourhood Plan requires that proposal does *'not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security.'*

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. As such, policy 9 of the Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.

The proposed dwelling is single storey. There are trees and hedges on the boundaries of the site as well as fencing. To the west is Twinham, which is to be set some 2.79 metres from the boundary of the site with some 8.8 metres between the dwellings. The Ham is set to the east of the application site and set some 27 metres from the boundary, with some 29 metres between the dwellings.

The proposed dwelling is to have windows on the side elevations of the dwelling. However, due to the single storey nature of the dwelling and the side-to-side relationship between the proposal and neighbouring properties, it is considered that the dwelling would not result in unacceptable harm to the amenities of existing nearby residents.

The proposal thereby complies with policy 9 of the Neighbourhood Plan.

Dwelling Space Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

The floor plans submitted with the application show a 2-bed property with a study. However, the study could be used as a bedroom as it has a floor area of some 11 square metres which is classed as a single bedroom. As such the proposal should be considered as a 3-bed dwelling.

Technical Nationally Described Housing Standards requires a 3 bed 4 person single storey dwelling to have a minimum internal floor area of between 86 sqm with 2.5 sqm of storage. The proposed dwelling will have an internal floor area of some 127 sqm including storage area which exceeds the minimum requirements.

As such, the application complies with Technical Standards and policy DP27 of the District Plan.

Flood Risk and Drainage

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

Policy 4 of the Neighbourhood Plan states in part that:

'Technical proposals which seek to reduce the risk of surface water flooding will be supported. Development proposals should seek to reduce existing run-off rates in the first instance.'

The site falls within flood zone 1 and is at low risk of flooding.

A Foul Sewage and Surface Water Assessment accompanies the application. This states that it is *'proposed for surface water to drain to a soakaway within the domestic garden area for the new property. The driveway will have permeable paving tarmac at the entrance and then shingle for the turning and parking areas. The external patios and side path are to be hardwood decking. Foul water will be disposed of via the Main sewer, and this will likely utilise the existing connection that serves the host dwelling (Twinham).'*

The Council's Drainage Engineer has considered the proposal and raise no objection. They have suggested a condition concerning foul, and surface water drainage be attached to an approval.

It is considered that the proposal is acceptable in flood risk and drainage terms and complies with policy DP41 of the District Plan.

Trees

Policy DP37 of the District Plan states in part that the *'District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

An Arboricultural Impact Assessment and Method Statement accompanies the application. This sets out that seven low-quality category C trees (trees 8, 9, 11-16, 27 & 28) will be removed to allow or facilitate the development. In addition, it sets out that the construction of the new driveway would be of a porous 'No Dig' specification where the impacts of the driveway on the root protection areas (RPA's) of trees are less than 20% of the overall RPA of any tree with mitigation provided.

The Council's Tree Officer has considered the proposal and raises no objection. They note that the contorted hazel will be replaced, like for like, as a feature tree. They consider that other retained trees will be adequately protected, provided the methodology and tree protection measures in the report are adhered to. These can be controlled by condition.

The proposal is thereby considered to comply with policy DP37 of the District Plan.

Ecology

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

Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity

An Ecological Impact Assessment accompanies the application. This sets out that *'Protected species are considered unlikely to be present or impacted by the development; however, precautionary measures have been recommended for both the construction and operational phases of the development. This includes avoiding disturbance to nesting birds and the implementation of a sensitive lighting design.'* In

addition it states that *'the proposed development is likely to have minor ecological impacts. With the implementation of the recommended mitigation measures, any impacts on biodiversity can be effectively minimised'*

The Council's Ecology Consultant has considered the proposal and agree that no further surveys for bats are required as there are no buildings on site and that the two trees affected by the development (a Pinus and a Corylus) have negligible bat roost potential. The Ecology Consultant raises no objection to the proposal subject to conditions.

In respect of Great Crested Newts (GCN's), the site lies within the red impact risk zone. Whilst it is of mown grass there are 13 ponds within 500 metres of the site boundary. NatureSpace has considered the proposal in respect of GCN's. The submitted Ecological Impact Assessment sets out a series of reasonable avoidance measures. NatureSpace consider these measures to be suitable for the proposed development and note that this should be secured by a condition.

Officers agree with the recommendations of the Council's Ecology Consultant and NatureSpace and it is considered that the proposal complies with policy DP37 of the District Plan.

Archaeology

The site falls within a red Archaeological Notification Area.

Policy DP34 of the District Plan seeks to conserve heritage assets in a manner appropriate to their significance. Significance can be defined as the special interest of a heritage asset, which may be archaeological.

Paragraph 218 of the NPPF states:

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

The Council's Archaeological Consultant has considered the proposal and has raised no objection. They recommend a programme of archaeological trial-trenching is undertaken on the site prior to the commencement of development, in order to identify the level of archaeological survival and to inform on any mitigation measures. This can be dealt with by condition.

There is no reason to come to any different conclusion from the Council's Archaeology consultant. As such it is considered that the proposal complies with the relevant part of Policy DP34 in terms of archaeology, and the requirements of the NPPF

Sustainability

Policy DP21 of the District Plan relates to transport. In part it requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

o Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation,

o Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible,
o Use renewable sources of energy,
o Maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation,
o Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment,
o Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'

Policy 5 of the Neighbourhood Plan states:

'Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable.

Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation.

Proposals which make provision for charging electric vehicles at each dwelling (where feasible) and on-street; and making parking areas charging ready will be supported.'

Paragraph 161 of the NPPF states:

'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

In addition, paragraph 166 states:

'In determining planning applications, local planning authorities should expect new development to:
a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

A Sustainable Construction and Energy Efficiency Statement accompanies the application. This sets out that proposal would undertake a number of energy efficiency measures consisting of:

- high insulation and be of air tight construction;
- the dwelling will have an air source heat pump for underfloor heating, and mechanical ventilation heat recovery (MVHR) for air heating & cooling;
- will incorporate low water use sanitaryware;
- will have energy efficient light fittings;
- a grey water recycling system will be installed;
- rainwater harvesting; and,
- an electric charging point for cars will be installed.

The accessibility of the site or the sustainable location of it, is a key consideration. Hassocks is categorised as a category 2 settlement which is a larger village acting as a Local Service Centre providing key services in the rural area. It is considered that the site lies within a sustainable location between the two villages of Hassocks and Hurstpierpoint. Local services and amenities are within walking or cycle distance of the site and there is a continuous footway outside of the site. There are also opportunities for sustainable travel, with regular bus connections available nearby on Hurst Road and Brighton Road and Hassocks Railway Station is located approximately 850m east of the site.

The proposal thereby complies with policies DP21 and DP39 of the District Plan, policy 5 of the Neighbourhood Plan and the requirements of the NPPF.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

The proposed development is outside the 7km zone of influence and as such, **mitigation is not required**.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

No mitigation is required in relation to the Ashdown Forest SPA or SAC.

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises self-build development which is exempt from providing 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 Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Hassocks Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies Mid Sussex District Plan policies DP13, DP17, DP21, DP26, DP27, DP34, DP37, DP38, DP39 and D41 and Neighbourhood Plan policies 1, 4, 5, 9 and 14. There is no coalescence resulting from the proposed development and it does seek to protect and maintain the separate identities of settlements.

Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP4, DP6, and DP15 of the District Plan. There is partial conflict with policy DP12 but the proposal does maintain the quality of the landscape character.

As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

When undertaking the balancing exercise the following benefits, harm and neutral impacts are as follows:

In terms of the scheme's benefits, the proposal forms a self-build dwelling. Socially, the provision of the new dwelling will bring about positive impacts to the local community. The construction of the development will provide local jobs and employment opportunities which is also a positive economic impact. From an environmental view, the proposed development is sustainably located within close proximity to facilities, services and public transport. In design terms it is considered to be of sustainable design and construction, seeking to minimise energy use and using renewable sources of energy. This is all positive in the planning balance.

Whilst the proposal conflicts with some policies in the development plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that, while this is only one new dwelling, it would still contribute to the Council's much needed housing supply and make effective use of the land.

The neutral impacts relate to highways, design, neighbouring amenities, impact on Ashdown Forest and drainage.

In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.

In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome the proposal's conflict with the development plan.

There are no other material considerations that would alter the above planning balance.

Decision: Permission

Case Officer: Joanne Fisher