

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2970	Case Officer:	Caroline Grist
Application Type:	Change of Use Application		
Proposal:	Change of use from an existing holiday let to a dwellinghouse		
Site:	Land Adj. To Tyler House, Cross Colwood Lane, Bolney, Haywards Heath, West Sussex, RH17 5RX, ,		
Validation Date	8 Dec 2025	Overall Expiry Date:	30 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	2 Feb 2026
Target Date:	2 Feb 2026	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	3 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2970

Land Adj. To Tyler House, Cross Colwood Lane, Bolney, Haywards Heath, West Sussex, RH17 5RX,

Change of use from an existing holiday let to a dwellinghouse

Mr K Harvey

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Highways Authority

This application seeks the change of use from an existing holiday let to dwellinghouse. The site is located on Cross Colwood Lane, an unclassified road subject to national speed limit in this location.

The existing vehicular access point on Cross Colwood Lane is to be utilised, with no alterations to this arrangement proposed. The LHA would not anticipate that the change of use from holiday let to residential dwelling would give rise to a material intensification of use of the existing access point.

Four car parking spaces are to be retained, and this would be considered suitable car parking provision for a dwelling of this size and location under WSCC Parking Standards. On-site turning appears achievable, allow cars to exit the site in a forward gear. Provision for the parking of bicycles is also to be retained.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

Street Naming and Numbering

Informative recommended.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

Planning permission is sought for a change of use from a holiday let to a dwellinghouse.

RELEVANT PLANNING HISTORY

BK/045/99 - Conversion of existing squash court and swimming pool to four bedroom dwelling with associated parking and garaging. Refused.

00/00446/FUL - Replacement five bedroom dwelling with associated parking. Permission.

01/00113/FUL - Replacement five bedroom dwelling. Permission.

01/01856/FUL - Minor revisions to elevations to approved plans for replacement dwelling

BK/01/113/FUL. Permission.

01/01857/FUL - Proposed replacement five bedroom dwelling (approved under BK/01/113/FUL) without complying with conditions 5, 6, 8 and 9. Permission.

04/01005/FUL - Revisions to the alterations of the squash court/swimming pool approved under Condition 7 of BK.01.1856.FUL and BK.01.01857.FUL. Permission.

10/00139/COU - Change of use of existing Squash Court to holiday accommodation. Permission.

12/00700/FUL - Demolition of existing squash court (approved for holiday let 10/00139/COU) and existing covered swimming pool and erection of two holiday lets and garaging on same footprint. Permission.

DM/19/4236 - Demolition of the existing squash court and swimming pool. Erection of two holiday lets and garaging with home office above. Permission.

DM/24/1373 - 1 x 3-bedroom family dwelling house. Invalid.

DM/21/4091 - Proposed holiday let, to replace approved application for two holiday lets (DM/19/4236). Permission.

SITE AND SURROUNDINGS

Tyler House is a north facing, two storey detached dwelling located on the western side of Cross Colwood Lane. To the east of the main dwelling were former squash courts and a covered swimming pool, which have now been demolished. The squash court appeared as a two storey building, whilst the swimming pool was attached to the rear and at a lower ground level. In place of the squash court is a two storey building that is the subject of this application. It is finished in red brick and stone, with tile hanging at the first floor level and a plain tile roof. To the rear it benefits from a patio area that leads to a grassed section, enclosed by recently planted hedging.

Neighbouring dwellings are located to the east and west, whilst woods are to the south of the grounds and the highway is to the north. The application property is located outside of the built up area of Bolney and is therefore within the countryside.

APPLICATION DETAILS

This application seeks planning permission for a change of use from a holiday let to a dwellinghouse. Planning permission was originally granted for two holiday lets in this location (DM/19/4236), then for a single holiday let, to replace the approved two units, under application DM/21/4091. Condition 8 of the 2021 planning permission states that:

'The occupation of the building shall at all times comply with the following:

- a) The accommodation within the building shall be occupied for holiday purposes only.*
- b) The building shall not be occupied as a person's sole or main place of residence.*
- c) An up to date register shall be maintained of the names of all guests using the holiday let, including names, homes addresses, dates and durations of each stay and the register shall be made available at all reasonable times to the Local Planning Authority.*

Reason: To ensure the approved holiday accommodation is not used as a permanent residential unit and to comply with Policy DP19 of the Mid Sussex District Plan'.

No extensions or alterations are proposed to the building.

The submitted Planning Statement sets out:

'3.2.4 In the subject circumstances, the change to use as an (unrestricted) dwellinghouse will not be material' for purposes of Moore v SSCGLG [2012] EWCA Civ 1202; the dwelling when occupied as a home by a family v persons holidaying would still be occupation by a single household.

3.2.5 The change to use as a dwellinghouse (absent the restriction to holiday let) will, as a matter of course, accommodate 'home working' (recognised in the Bolney Neighbourhood Plan in 2016 and significantly more prevalent now), so that the same 'employment' will support the rural economy in terms of both employment and productivity and in terms of trade and 'spend' in the locale by residents, much as it would from visitors.

3.2.6 The sustainability of the site (when viewed in terms of traffic movements) will be no greater as a residence than as a holiday let.

3.2.7 The new Use Class announced in the Ministerial Statement 19.2.24 under the former government and anticipated to be introduced by the current government, will enable changes between C3 short-term lets and C3 dwelling houses and vice versa, so the constraint in issue (Condition 8 to DM/214091 restriction to Holiday let) is otiose'.

An application for planning permission was also submitted under DM/24/1373, which sought permission for a three bedroom dwelling to be constructed in the same position as the holiday let. This application was made invalid, pending a BNG assessment.

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,*
- 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 Bolney 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
- DP4 - Housing
- DP6 - Settlement Hierarchy
- DP12 - Protection and Enhancement of Countryside
- DP15 - New Homes in the Countryside

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP19 - Sustainable Tourism
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards

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.

Neighbourhood Plan

The Bolney Neighbourhood Plan was formally made on 21st September 2016.

Relevant policies:

BOLBB1 - Built-up Area Boundary
BOLE2 - Protect and Enhance the Countryside
BOLD1 - Design of New Development and Conservation
BOLT1 - Transport Impact of Development

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
DPC1 - Protection and Enhancement of the Countryside
DPC6 - Ashdown Forest SPA and SAC
DPB1 - Character and Design
DPE1 - Sustainable Economic Development
DPE9 - Sustainable Tourism and the Visitor Economy
DPH1 - Housing
DPH2 - Sustainable Development - Outside the Built-up Area
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 Planning Policy Guidance

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 of development,
- Design and impact on character of the area,
- Highways,
- Standard of accommodation,
- Impact on Ashdown Forest, and
- Biodiversity Net Gain.

Principle of development

Planning permission was granted for the holiday let under DM/21/4091 and it is now proposed to change the use of the building to a dwelling house.

Condition 2 of the planning permission was imposed to restrict the use of the outbuilding for holiday purposes only, for the following reason:

'Reason: To ensure the approved holiday accommodation is not used as a permanent residential unit and to comply with Policy DP19 of the Mid Sussex District Plan'.

Policy DP19 of the Mid Sussex District Plan relates to sustainable tourism, stating that:

'Tourism related development in the countryside (defined as the area outside of the built-up area boundaries on the Policies Map), including extensions to existing facilities, visitor accommodation and the re-use of rural buildings will be permitted provided:

o it supports the sustainable growth of the rural economy; and
o maintains or where possible enhances the quality of the rural and landscape character of the District, in accordance with Policy DP12: Protection and Enhancement of the Countryside'.

The Officer's report determined that:

'The proposal seeks permission to change an extant permission which allowed two holiday lets and a garage, with office accommodation above, to one holiday let. The proposed holiday let would still create a new business within a rural area, thereby supporting the rural economy, and be sited on an area of previously developed land.

In terms of the impact on the character of the countryside the site previously housed a squash court, which was essentially two stories tall, with a swimming pool building behind that was built into the landscape. The proposed holiday let would be sited where the squash court was positioned, replacing these buildings. It would have a smaller footprint and somewhat lower ridge height. Furthermore this scheme no longer includes the previously permitted one and a half storey building to the rear, thereby reducing the bulk of the structures. The associated vehicle movements with one holiday let over two would also be reduced. Greater consideration will be given to the design of the units further within the report. A condition would be placed on any permission that restricts the use to holiday accommodation as the principle of an independent dwelling in this location would not be supported. Given that the building replaces pre-existing buildings it is considered that the proposal would in this particular case maintain the quality of the landscape and character of the District.

It is therefore considered that, given the existing buildings that were on the site and the planning history, the principle of the proposed development would be acceptable in accordance with policies DP12, DP14 and DP19 of the Mid Sussex District Plan and policies BOLE2 and BOLD1 of the Bolney Neighbourhood Plan'.

The proposal would create one new, unrestricted dwelling within the countryside.

Policy DP1 of the District Plan relates to sustainable economic development and advises in part that:

'Effective use of employment land and premises will be made by:

o Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;'

Whilst the proposal concerns a holiday let, it is considered that the existing use will have employment implications in terms of the cleaning and maintenance of the accommodation. As such, and as the business use relates to tourism, bringing visitors to businesses within the district, it is considered that policy DP1 is applicable, particularly as the original conversion was granted on the grounds that the development would create a new business that would benefit the rural economy. The Planning Statement sets out that future occupiers of the dwelling would benefit to the economy through home working, however there is no guarantee that future residents of the new dwelling would work from home. In addition home working is considered to be different in relation to a holiday let use, as a holiday let would also bring wider economic benefits through different people coming into the district and using local businesses, facilities and services.

No evidence has been submitted regarding the holiday let as a business, as part of the application. At the time of the 2024 application (reference DM/24/1373), whilst the former squash courts had been demolished, the new building had not been constructed. The supporting information for this application does not confirm when the building was completed.

No confirmation has been provided either that the building has been used for its approved purpose. From the Case Officer's site visit, for this application, it was observed that the building had been completed and decorated, through the painting of walls and laying of flooring. Furthermore the kitchen, bathrooms and utility room had been fitted but there was no visual evidence that the building had been used. It is understood that the building has not been used as a holiday let, which would reflect what was observed on site and Officer research. Further information was sought from the agent, during the course of the application, to confirm if the building had been let for holidays and to provide details with regards to why it is no longer intended for the building to be used for its approved use. The option to provide further written information on these matters was declined. No justification has therefore been provided to support the loss of this purpose built, holiday accommodation which was only recently constructed or why the holiday-let business has not worked.

The proposal would result in the creation of one new dwelling. 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 Bolney as defined by the District Plan. As such the site is located within the defined Countryside. Policy DP12 of the District Plan is therefore relevant, stating in part that:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

o it is necessary for the purposes of agriculture; or
o it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'

The proposal does not accord with this policy as it is not necessary or agriculture nor is it supported by a specific policy in the District or Neighbourhood Plan.

Policy BOLE2 of the Bolney Neighbourhood Plan requires all development outside of the built up area boundary to demonstrate that it would not have an unacceptable impact on the landscape. In particular regard should be had to policy BOLD1 of the Neighbourhood Plan.

In relation to new housing, policy DP6 of the District Plan relates to the settlement hierarchy and states in part that:

'The growth of settlements will be supported where this meets identified local housing, employment and community needs. 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 proposal does not accord with any of the above criteria.

District Plan policy DP15 specifically relates to new homes in the countryside, stating in part that:

'Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

- o Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or*
- o In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or*
- o Affordable housing in accordance with Policy DP32: Rural Exception Sites; or*
- o The proposed development meets the requirements of Policy DP6: Settlement Hierarchy'.*

It goes onto state:

'The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed agricultural building which has not been or has been little used for its original purpose and:

- o the re-use would secure the future of a heritage asset; or*
- o the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.'*

The proposal does not meet the special justification for a dwelling in the countryside nor is it considered to meet the above requirements in relation for the re-use of a rural building. Just because of its location, the newly constructed purpose built holiday let is not considered to be a rural building.

Policy BOLBB1 of the Neighbourhood Plan sets out the type of development considered acceptable outside of the defined built up area. This includes that the proposal is necessary for the purposes of agriculture or has to be located in the countryside.

Policy DP21 of the District Plan relates to transport which is also deemed relevant, advising in part that decisions on development proposals will need to take account of whether:

'The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy)';

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 or 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 delivery 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 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.

Policy BOLE2 (Protect and Enhance the Countryside) seeks to ensure that new development does not have an unacceptable impact on landscape. It links to policy BOLD1 (Design of New Development and Conservation), which relates to design, heritage and amenity principles. It is considered that these policies do not aim to restrict the supply of housing and so can be given full weight.

Policy BOLBB1 (Built-up Area Boundary) seeks to focus development within the the defined built up boundary as well as 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.

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

In this instance, the proposed development concerns converting a purpose built holiday let to a residential dwelling. The construction of this building was deemed acceptable due to its economic benefits and the acceptability of the replacement building. With regards to a potential residential use of the site, there are no development plan policies to support the proposal. Policy DP12 seeks to protect the countryside and allows development that is necessary for the purposes of agriculture or is supported by a specific policy elsewhere in the Development Plan. The proposal does not meet with the criteria of policy DP15, including that the re-use of the building would not secure the future of a heritage asset or lead to an enhancement of the immediate setting. The proposal does not comply with policy DP6 in that the site is not contiguous with an existing built up area of a settlement, is not an allocated site for housing nor is it in a sustainable location which is set out further within the report.

The proposed development is therefore deemed unacceptable in principle as it would lead to the loss of an existing small business use in a rural location and no evidence has been provided to show that the facility has ever been let or that there is no reasonable prospect of the current holiday let use. In addition, whilst the proposal would create one new dwelling, there is not considered to be any justification for allowing a residential use in this location. The proposal therefore fails to comply with policies DP1, DP6, DP12, DP15 and DP21 of the District Plan and policy BOLBB1 of the Neighbourhood Plan.

Design and Impact on character of area

District Plan policy DP12 seeks to protect the countryside in recognition of its intrinsic character and beauty, as previously noted.

Policy DP26 of the District Plan relates to character and design and states in part that:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

Policy BOLE2 of the Bolney Neighbourhood Plan requires all development outside of the built up area boundary to demonstrate that it would not have an unacceptable impact on the landscape. In particular regard should be had to policy BOLD1 of the Neighbourhood Plan, which reflects the ethos of policy DP26.

This application solely seeks to change the use of the building from a holiday let to a dwellinghouse. As such, no external changes are proposed to the property and the development has been essentially completed on site. Parking was provided as part of the holiday let use, as was private amenity space, therefore the proposal would not result in significant alterations to the character and appearance of the land around the building.

The proposal is therefore not considered to be harmful to the rural character and qualities of the area nor would it have a harmful impact in design terms.

The proposal is not considered to be harmful to neighbouring amenities.

The proposal therefore accords with policies DP12 and DP26 of the District Plan and policies BOLE2 and BOLD1 of the Neighbourhood Plan.

Highways impact

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, however as per paragraph 85 of the NPPF, notes that there may be circumstances where development needs to be located in the countryside, such as rural economic uses. The policy also seeks to protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

Policy BOLT1 of the Bolney Neighbourhood Plan sets out:

'Planning permission will be granted for development proposals where they meet the following criteria, subject to compliance with the other policies:

- a) That any additional traffic generated by the proposal has an acceptable impact on the Parish's pedestrians, cyclists, road safety and will not lead to increased congestion; and*
- b) Vehicular, cyclist and pedestrian access into, within and exiting any development is safe and has adequate visibility; and*
- c) Any available opportunities are taken to provide safe pedestrian or cycle routes from the development to key facilities in Bolney village'.*

The proposal intends to use the existing access to the site from Cross Colwood Lane, an unclassified road subject to national speed limit in this location.

The Highways Authority have been consulted as part of this application and have advised that the proposed change of use would not be anticipated to give rise to a material intensification of the existing access point. Four car parking spaces are to be retained and are considered to be suitable car parking provision for a dwelling of this size and location under WSCC Parking Standards. On site turning is advised as appearing achievable and provision for bicycle storage is also to be retained. As such, the Highways Authority have concluded 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

It is considered, however, that the proposal would be likely to result in an increase in traffic movements to and from the site were the change of use approved and a permanent residential use implemented. This is due to the fact that the existing holiday let use is likely to be seasonal in nature, plus users of the holiday let are more likely to be reliant upon one car whereas a family residing at the property could have two cars or more, if they have grown up children. A family residing at the property would be likely to be conducting more trips per day in terms of school runs, commutes to work and trips to access shops and services. As such there would be more daily movements from the site as a permanent dwelling.

Furthermore it is considered that the application site is not sustainably located in relation to day to day services. Cross Colwood Lane is a narrow lane, that is unlit and does not benefit from a paved footpath alongside it. It is noted that Public Right of Way BOL-4BO lies to the north west of the site entrance, however it would require walking up a section of Cross Colwood Lane, which is on an incline. It is additionally considered that the walk through Furzefield Wood to an access north of The Street, which

leads into Bolney, would not be used as a reliable alternative to the car as, again, it is an unlit, rural route which does not provide a safe means of walking and could not be used throughout the year due to its surfacing. There are also no bus stops within proximity to the property. As such it is considered that future residents would be reliant on the car as there are no safe, alternative routes from the development to key facilities in Bolney or other settlements.

Whilst the Highways Authority have advised that the proposal would not have a detrimental impact on highway safety, the proposal is not considered to comply with policy DP21 in that the building is located in an unsustainable rural location where there is a lack of access to alternative modes of transport. Whilst an allowance can currently be made for a small business / tourism use to be located in a rural location, it is not considered that such an allowance can be made for a residential use with any future resident likely to be reliant upon a private car for journeys.

The proposal therefore fails to comply with policy DP21 of the District Plan or BOLT1 of the Neighbourhood Plan.

Standard of accommodation

Policy DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space as set out under the Government's Technical Housing Standards document published in March 2015.

These standards recommend that a 3 bed, two storey dwelling for 6 persons should have a gross internal floor area of 102 square metres. The building is found to comply with all relevant requirements of this standard, thereby according with policy DP27.

Impact on 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 development below the de-minimis threshold meaning that this development 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 Bolney Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP4, DP17, DP26 and DP27 and Neighbourhood Plan policies BOLD1 and BOLE2.

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, DP12 and DP15 of the District Plan.

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.

The proposal seeks a change of use from a purpose built holiday let to a residential dwelling. The holiday let was granted planning permission, subject to a condition restricting its use to this purpose.

Weighing in favour of the proposal is that one new dwelling would be created, where there is currently a shortfall. However the benefits arising from one dwelling would be limited, particularly as the building has been completed. The proposal is considered to have a neutral impact upon the rural character of the area. It should not have a harmful impact on neighbouring amenities or highway safety and provides a satisfactory standard of accommodation. There would be no likely significant effects on the Ashdown Forest SPA and SAC from the proposed development.

Weighing against the scheme are the concerns that the principle of a potential residential use in this location is unacceptable, as the proposal concerns an existing holiday let and fails to accord with District Plan policy DP15 in that the proposal would not secure the future of a heritage asset nor lead to an enhancement of the immediate setting of the building. The site is also unsustainably located, with any future resident likely to be dependent upon the private car to meet their daily needs. In addition, the proposal would result in the loss of an existing small business use that benefits the rural economy, yet no evidence has been provided to show that the current use has been implemented, is no longer viable or that there is no reasonable prospect of its continued use.

The proposal therefore conflicts with policies DP1, DP6, DP12, DP15 and DP21 of the Mid Sussex District Plan and policies BOLBB1 and BOLT1 of the Bolney Neighbourhood Plan. Overall, the planning balance is considered to fall in favour of refusing planning permission.

Decision: Refusal

Case Officer: Caroline Grist