

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0245	Case Officer:	Andrew Watt
Application Type:	Full Application		
Proposal:	Change of use of land to equestrian and associated works including post and rail fence and timber gate		
Site:	Land North Of Ethlinden, Hophurst Hill, Crawley Down, West Sussex, , , ,		
Validation Date	14 May 2025	Overall Expiry Date:	6 Jun 2025
Pre-Commencement Conditions Required:	Yes	Pre-Com Conditions Date Agreed:	4 Sep 2025
Recommendation:	Permission	Recommendation Date:	5 Sep 2025
Target Date:	9 Jul 2025	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Steven King	Date:	5 Sep 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0245

**Land North Of Ethlinden, Hophurst Hill, Crawley Down, West Sussex, , ,
Change of use of land to equestrian and associated works including post and rail fence and
timber gate
GRIP Holdings Ltd**

SUMMARY OF REPRESENTATIONS

1 letter of objection:

- Whilst, in principle, the EG Angling Society has no objection to the change of use of the land, there are various important points we wish to make:
- Shared right of way on access track is not shown
- The Society uses this track for access to the lake from dawn to dusk every day
- The pond in the grounds of Ethlinden no longer exists
- The block plan is incorrect as the correct boundary is to the corner of the old SW pigsty
- Regular commute of deer across the land so proposal must not impact on this

NB. Following this representation, the application was re-validated to include the right of way / shared access, and no further comment was received.

SUMMARY OF CONSULTEES

MSDC Consultant Ecologist

Recommend approval subject to conditions.

MSDC Drainage Engineer

No objection on flood risk grounds.

NatureSpace Partnership - West Sussex Newt Officer

No comments to make.

TOWN / PARISH COUNCIL OBSERVATIONS

Defer to Officer.

INTRODUCTION

Full planning permission is sought for change of use of the land to equestrian and associated works including post and rail fence and timber gate.

RELEVANT PLANNING HISTORY

In January 1991, planning permission was granted for the formation of a fishing lake and car park on land to the north (now separated from the site) (WP/147/90).

In January 1996, planning permission was refused for the erection of 1 no. chalet style dwelling, formation of an access off the car park and erection of a double garage (to serve as a bailiff's dwelling) (WP/124/95).

In December 2016, planning permission was refused for the erection of 3 x 4-bed live/work units, together with the formation of an access off the existing car park serving the fishing lake (DM/16/1770).

SITE AND SURROUNDINGS

The 0.24ha red-lined site is located between Ethlinden, a large detached dwelling set in a sizeable plot to the south, and a fishing lake (owned by East Grinstead Angling Society) and associated gravel car park to the north, with a gated access off Hophurst Hill.

The site is located within the countryside and is designated as a Great Crested Newt - Impact Risk Zone (Amber). The site lies partially within an area of Ancient Woodland and part of the site is within an area of surface water flood risk.

APPLICATION DETAILS

Full planning permission is sought for change of use of the land to equestrian and associated works including post and rail fence 1.5m high to enclose the site and two timber gates 1.5m high, one to the south and one to the north-east, adjacent to the access track. No other physical changes are proposed.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

National policy (which is contained in the National Planning Policy Framework and National Planning Practice Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP12: Protection and Enhancement of Countryside
Policy DP26: Character and Design
Policy DP37: Trees, Woodland and Hedgerows
Policy DP38: Biodiversity
Policy DP41: Flood Risk and Drainage

Site Allocations DPD

The SADPD was adopted on 29 June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

There are no relevant policies.

Crawley Down Neighbourhood Plan (Jan 2016)

Mid Sussex District Council formally 'made' the Crawley Down Neighbourhood Plan part of the Local Development Plan for the Neighbourhood Plan area of Crawley Down as of 27 January 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within the Crawley Down Neighbourhood Plan area.

Relevant policies:

Policy CDNP06: Sustainable Drainage Systems
Policy CDNP09: Protect and Enhance Biodiversity

Other Legislation

Countryside and Rights of Way (CROW) Act 2000

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 31 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:

DPS4: Flood Risk and Sustainable Drainage
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN4: Trees, Woodland and Hedgerows
DPC1: Protection and Enhancement of the Countryside
DPB1: Character and Design

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG5: Water features and sustainable drainage systems
Principle DG6: Design to enhance biodiversity

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 131 and 135 (design), 136 (trees), 181, 182 (flood risk), 187 (conserving and enhancing the natural environment) and 193 (biodiversity and ancient woodland), are considered to be relevant to this application.

ASSESSMENT

Design and visual impact on the character and appearance of the area

Policy DP12 of the Mid Sussex District Plan states (in part):

'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:

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

The application is not necessary for the purposes of agriculture but is supported by Policy DP26 of the Mid Sussex District Plan, which states (in part):

'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;*
- *protects open spaces, trees and gardens that contribute to the character of the area;'*

The site is not part of the residential curtilage of Ethlinden, although appears to have been retained in the same ownership following the subdivision of the fishing pond to the north, when it was first operational in May 1996. A shared access onto Hophurst Lane, to the far north of the site, has been retained, but the proposal also allows access through a second gate to the main house. The land is currently level with retaining bunds in various places. There is a clear boundary demarcation to the host dwelling by means of a close-boarded fence enclosing an evergreen hedge within, all set on higher ground, so it is not considered that the change of use to equestrian will be inappropriate in this location and the addition of enclosing fencing and 2 gates (all of timber) will be sympathetic in appearance to this rural location. It should be noted that the site is secluded from public views due to the woodland surrounding it.

On this basis, it is considered that the proposal would comply with Policies DP12 and DP26 of the Mid Sussex District Plan.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate that development:

- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

The nearest residential property to the site is Woggo, on the opposite side of Hophurst Hill to the south-east. It is more than 75m to its boundary and more than 100m to the house itself. Given the tree screening, it is not considered that the equestrian use would have any adverse impact on the amenities of neighbouring residents, and is not in itself an unusual use in a countryside location.

It is noted that the application seeks to utilize the existing shared access to the north, shared with the Angling Society; however, it is not considered that there will be a conflict between users and that the equestrian use and fishing uses are complementary in this rural location.

Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan.

Flood Risk and Drainage

Policy DP41 of the Mid Sussex District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic

Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

Policy CDNP06 of the Neighbourhood Plan states:

'Development proposals will be expected to demonstrate that they include sustainable drainage systems designed to manage the risk of surface water flooding within their boundaries, and that they will not increase flood risk elsewhere in the Parish. Examples of sustainable drainage systems include permeable driveways and parking areas, water harvesting and storage features (rain/grey), green roofs and soakaways. The preferred hierarchy of managing surface water drainage from any development is:

- 1) infiltration measures;*
- 2) attenuation and discharge to watercourses;*
- 3) discharge to surface water only sewers.*

Such measures should protect the amenity and security of other properties and should not adversely affect the water table and associated aquifers or ancient woodland. Arrangements for the maintenance of drainage systems shall be required as a condition of planning permissions and these arrangements shall include details of who will manage and fund the maintenance for the lifetime of the development.'

The application has been accompanied by a Flood Risk Assessment and the Council's Drainage Engineer has raised no objection to the proposal. These views are agreed with, as the ground levels will remain as existing and the physical works are modest in scope, so will not result in any flood risk to the site or surroundings.

As such, the proposal would comply with Policy DP41 of the Mid Sussex District Plan and CDNP06 of the Neighbourhood Plan.

Impact on trees

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

'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.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

No trees are proposed to be removed to facilitate this change of use, and a suitable buffer will be provided between the fencing and the ancient woodland surrounding and within the site.

The application has been accompanied by a Woodland Assessment Report. It notes that 'the current woodland floor is known to have been lined with the spoil from the nearby lake excavation [the EG Angling Society fishing lake], and, whilst not having the ecological and historical value of an ancient woodland, they have had a role in the forestation and improvement of the poor quality soil.' In terms of the physical impact of the fence, it notes that this will be installed with individual posts in the ground (so no foundations) and hand installed (so no heavy machinery) a minimum of 3-4m from existing trees, so outside the Root Protection Areas. The resultant land use as equestrian enclosure will not impact on any roots or encroach on any tree crowns. It is known that some tree species can be harmful to horses, so it is noted that there are some mature Oak trees in the garden of Ethlinden (owned by the applicant) but outside the application site, which can be pruned following further assessment. Rhododendron will be removed in any case for both the harm it causes to horses and to prevent invasion as a woodland species, with stumps treated within a buffer zone of 10m from the enclosure.

The Woodland Assessment Report concludes that there will be minimal to no impact onto existing trees and woodlands, provided that the recommendations set out in the Arboricultural Method Statement are adhered to. This is sought through condition and therefore the proposal would comply with Policy DP37 of the Mid Sussex 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 Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), 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 Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

Policy CDNP09 of the Neighbourhood Plan states:

'Proposals for new residential, employment and retail development will be expected to protect and enhance biodiversity and wildlife. In particular planning applications for these proposals will be assessed against the following criteria:

- a. The safeguarding or protection of designated sites, protected species, ancient or species rich hedgerows, shaws, grasslands and woodlands;*
- b. The provision of appropriate buffer zones around designated sites or features and/or the implementation of appropriate mitigation features.*
- c. The safeguarding and preservation of ecological networks*
- d. The protection of trees of arboricultural or amenity value*
- e. The appropriate planting of new native trees and hedges'*

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 193 states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

A Preliminary Ecological Appraisal has been submitted and reviewed by the Council's Ecological consultant. It is noted that there are no buildings proposed on the site and none of the trees on site will be removed, so no further Bat surveys are required. However, as there may be mobile species on site (including Hedgehog), it is recommended that a Precautionary Method Statement be secured by condition.

Subject to compliance with a suitably worded condition, it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 193) and the legislation outlined above.

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 is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13(2). It states:

'The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*
- (b) the planning authority has approved the plan (see paragraph 15).'*

In addition, the Council's Ecological consultant has considered the proposal in terms of the Biodiversity Net Gain Report and Statutory Biodiversity Metric and raises no objection to the scheme. Subject to compliance with suitably worded conditions, it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 193) and the legislation outlined above.

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 process for the Mid Sussex District Plan. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

An overall Habitats Regulations Assessment screening report has been undertaken which includes the type of development proposed.

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, and as detailed in the 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.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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.

It is considered that the proposed development will not lead to an increase in traffic across Ashdown Forest. 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 screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this 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.

Other matters

The site is located within a designated Great Crested Newt - Impact Risk Zone (Amber) but within 250m of a number of ponds. The West Sussex Newt Officer has been consulted but did not have any comments to make. Accordingly there would be no conflict with the above legislation, policy and guidance.

PLANNING BALANCE AND CONCLUSION

The application is considered acceptable in principle, with equestrian use of the land being an appropriate use in a rural location. There would be no adverse visual impact as the proposed fencing is deemed to be sympathetic to the character of the area. The proposal would not cause significant detriment to surrounding residents. There would be no adverse impact on drainage. There would be no harm to biodiversity and biodiversity net gain is sought by conditions. There will be no likely significant effect on the Ashdown Forest SPA and SAC. Accordingly it is considered that the proposed development would comply with Policies DP12, DP26, DP37, DP38 and DP41 of the Mid Sussex District Plan, Policies CDNP06 and CDNP09 of the Crawley Down Neighbourhood Plan, the Mid Sussex Design Guide SPD and the NPPF and is therefore considered acceptable.

Decision: Permission

Case Officer: Andrew Watt