

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1882	Case Officer:	Andrew Horrell
Application Type:	Full Application		
Proposal:	Erection of a self-build replacement, detached dwelling following demolition of the existing dwelling		
Site:	Summer Lodge, Copyhold Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5EB, ,		
Validation Date	11 Aug 2025	Overall Expiry Date:	5 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	13 Nov 2025
Target Date:	6 Oct 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
--	--	-------------------------------	---

Signed and Agreed By:	Steven King	Date:	14 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1882

**Summer Lodge, Copyhold Lane, Cuckfield, Haywards Heath, West Sussex, RH17 5EB,
Erection of a self-build replacement, detached dwelling following demolition of the existing
dwelling
Mr Lance Smith**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

West Sussex Naturespace: The ecological report shall be conditioned via a compliance condition.

Drainage Engineer: The development is deemed acceptable subject to condition

MSDC Tree Officer: I have reviewed the AIA and TPP for this proposal and whilst I don't object, I would like to clarify that the Arboriculturist will be supervising the excavation within the RPA of the category B oak tree, as well as inspecting the ground protection to ensure it is adequate, prior to the crane being used on site.

Following the submission of additional information the tree officer stated the following:

No objection subject to condition.

Place Services Ecology: The mitigation measures identified in the Preliminary Ecological Assessment (JW Biodiversity Management, July 2025) and the Bat Emergence Surveys (JW Biodiversity Management, July 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

PARISH COUNCIL OBSERVATIONS

No Objections

INTRODUCTION

Planning permission is sought for the erection of a self-build replacement, detached dwelling following demolition of the existing dwelling.

RELEVANT PLANNING HISTORY

None relevant

SITE AND SURROUNDINGS

Summer Lodge is a two storey pitched roofed timber clad dwelling within a cul-de-sac.

The dwelling is characterised by timber doors and windows and dormers to the front and rear. The dwelling also has a two storey side extension and a rear balcony. There is also an existing detached pitched roofed garage to the front of the property used for a storage outbuilding.

To the north-east of the site is close boarded fencing to neighbouring Southease beyond, to the south-west of the site is close boarded fencing to neighbouring Ridge House beyond, to the north-west of the site is the driveway to the highway beyond and to the south-east of the site is the long rear garden with fields beyond.

The site is outside of the built-up area of Cuckfield.

APPLICATION DETAILS

The existing two storey four bedroom dwelling approximately measures some 12.4m in maximum depth, 15.8m in maximum width with a height to eaves of some 6.2m and an overall height of some 7.6m.

The replacement chalet style four-bedroom dwelling approximately measures 8.8m in depth, 12.4m in width with an approximate height to eaves of 2.55m and an overall height of 7.75m. The basement level will serve bedrooms 3 and 4, a study, bathroom and a utility room with a lift and stairs. On the ground floor is an open plan dining room, lounge and kitchen with a WC. On the first floor is a master bedroom, bathroom, bedroom with an en-suite.

The dwelling is characterised by dark grey timber with white render infill, slate grey roof tiles and grey doors and windows.

The side roofslopes (South-West and North-East) have PV solar panels which measure some 8.2m in width and 2.4m in height.

The existing garage, shed and existing vehicular access is to be retained.

The proposed air source heat pump measures 1.49m in width, 0.59m in depth and 1.04m in height.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation Development Plan Document (DPD) and Cuckfield 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:

DP4 - Housing

DP5- Planning to Meet Future Housing Need

DP6 - Settlement Hierarchy
DP12 - Protection and enhancement of countryside
DP15 - New homes in the Countryside
DP21 - Transport
DP26 - Character and design
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

Cuckfield Neighbourhood Plan

The Cuckfield Neighbourhood Plan was made on 1st October 2014.

Relevant policies:

CNP1 - Design of New Development and Conservation
CNP4 - Protect and Enhance Biodiversity
CNP5 - Protect and Enhance the Countryside
CNP16 - 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:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPS4 - Flood Risk and Drainage
DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN2 - Biodiversity Net Gain
DPN4 - Trees, Woodland and Hedgerows
DPC1 - Protection and Enhancement of the Countryside
DPC3 - New Homes in the Countryside
DPC6 - Ashdown Forest SPA and SAC
DPB1 - Character and Design
DPT3 - Active and Sustainable Travel
DPT4 - Parking and Electric Vehicle Charging Infrastructure
DPH1 - Housing
DPH2 - Sustainable Development - Outside of the Built up Area
DPH7 - Housing Mix
DPH11 - Dwelling Space Standards
DPH12 - Accessibility

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

National Design Guide

Technical Housing Standards

ASSESSMENT

Principle of Development

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 Cuckfield as defined by the District Plan. As such the site is located within the defined Countryside.

Policy DP12 of the District Plan is relevant to development in rural areas and 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:

- 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.'*

A similar ethos is found in CNP5 of the Cuckfield 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.'*

Policy DP15 of the District Plan refers to replacement dwellings in the countryside and sets out the requirements where this would be permitted, which states:

'Replacement dwellings in the countryside will be permitted where:

- The residential use has not been abandoned;*
- Highway, access and parking requirements can be met; and*
- The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.'*

The proposed replacement dwelling meets the above criteria.

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 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.

Therefore, the key test that must be undertaken when assessing this application is as set out within para 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 Character

Policy DP26 of the District Plan 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;- 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;*
- *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'*

Cuckfield Neighbourhood Plan policy CNP1 states:

'New development in accordance with the Neighbourhood Plan will be permitted where it:

- a) *Is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Cuckfield as defined on Map 3 - Conservation Areas and Character Areas, by way of;*
 - i. *height, scale, spacing, layout, orientation, design and materials of buildings,*
 - ii. *the scale, design and materials of the public realm (highways, footways, open space and landscape), and*
- b) *Is sympathetic to the setting of any heritage asset and*
- c) *Follows guidance in the Conservation Area Appraisals and Management Plans, the High Weald AONB Management Plan, and*
- d) *Respects the natural contours of a site and protects and sensitively incorporates natural features such as trees, hedges and ponds within the site, and*
- e) *Creates safe, accessible and well-connected environments that meet the needs of users, and*
- f) *Will not result in unacceptable levels of light, noise, air or water pollution, and*
- g) *Makes best use of the site to accommodate development.'*

The proposed replacement dwelling would be of a different design and form to the existing dwelling, and would be significantly larger in footprint as increased from an existing gross external area of 241.86sqm to 326.58sqm. The proposed dwelling would be of a form and scale which are considered to be in proportion and appropriate of the size of the site. The site is largely screened from public views by the retained trees.

The residential properties within the locality vary in design and materials, which contributes to the distinctive character of the area. The proposed dwelling would have a contemporary appearance, however given the varied character of the locality, this design is not considered to be out of keeping and would be appropriate to the character of the area.

Due to the above, the proposal is considered to be a form of development which would reflect the existing character and pattern of development within the area and would comply with policy DP26 of the Mid Sussex District Plan, CNP1 of the Cuckfield Neighbourhood Plan the Mid Sussex Design Guide and the relevant provision of the NPPF.

Impact on Neighbouring amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states that it must be demonstrated that any 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.

Policy CNP10 states that proposals should "safeguard" adjoining neighbours amenity whereas policy DP26 of the MSDP states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect.

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 DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The closest neighbouring property to the south-west of the site is Ridge House which is located some 35 metres from the application property, the nearest property to the north-east Southease is located some 35 metres from the property.

The proposed replacement dwelling would be positioned more centrally along the front elevation of the site than the existing dwelling, with the existing perimeter trees and hedging broadly being retained. Due to the character of the site, it is considered that the replacement dwelling would not be highly visible from the neighbouring residential properties and would not cause harm to their amenities. The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan.

Impact on future occupants of the development

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1st October 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.

The proposal is to provide a 4 bed, 8 person dwelling which from Officer calculations indicate would meet the floor space standards and therefore comply with policy DP27 of the District Plan and the National Dwelling Space Standards.

Transport

Policy DP21 of the District Plan among other matters requires that:

'The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable.'

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;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) 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, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

The proposed replacement dwelling would utilise the existing access onto the highway and no changes to this have been made. The existing two bay garage is to be retained. Given the extent of the driveway and the proposed garaging, the proposal is considered to meet the requirements of WSCC Parking Standards for parking provision with sufficient space to provide secure cycle parking provision.

The site is located within the countryside and some distance from Cuckfield. The proposal would replace the existing dwelling on the site and would not result in a net increase in dwellings on the site, which is supported in principle and would provide sufficient space for bicycle storage for the unit. It is therefore considered that although the site is not located within a sustainable location, this is a one for one replacement of an existing dwelling and therefore the proposal does comply with the objectives of policy DP21 of the Mid Sussex District Plan and is acceptable.

Impact on Trees

Policy DP37 of the Mid Sussex District Plan states:

'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:

- o incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- o prevents damage to root systems and takes account of expected future growth; and*
- o where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*

*o has appropriate protection measures throughout the development process; and
o 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
o does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

*o the condition and health of the trees; and
o the contribution of the trees to the character and visual amenity of the local area; and
o the amenity and nature conservation value of the trees; and
o the extent and impact of the works; and
o any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

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'.

The Mid Sussex Tree Officer has been consulted on the application and stated that no objection is given to the proposal subject to conditions. The planning officer agrees with this assessment. Therefore the proposal is deemed to comply with DP37 of the Mid Sussex District Plan.

Ecology

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.'

Paragraph 193 of the NPPF 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.'

The Council's Ecologist consultants have been consulted on the application and considered that the proposal is acceptable on ecology terms subject to conditions. This is agreed with by the officer. It is therefore considered that this proposal would also comply with the aims of policy DP38 of the Mid Sussex Plan and 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.

An overall Habitats Regulations Assessment has been undertaken for the planning application 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 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.

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 a significant 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

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 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.

Sustainability

Policy DP39 of the Mid Sussex District Plan 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:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- Use renewable sources of energy;*
- Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- 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'*

Paragraph 161 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk 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'.

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 Sustainability Statement has been submitted with the application which states that the scheme proposes a number of energy efficiency measures to be incorporated within the development. This includes:

- Airtight wall and roof construction, eliminating drafts and heat loss
- High-performance insulation, significantly exceeding Part L requirements
- Triple-glazed low-E windows with integrated shading
- Draught-free, thermal bridge-minimised environment, enhancing comfort
- A photovoltaic (PV) array in excess of 22 kWp will be mounted discreetly on both side roof slopes
- Air Source Heat Pump (ASHP) for space and water heating
- Mechanical Ventilation with Heat Recovery (MVHR)
- 100% LED lighting and energy-efficient controls
- Smart energy management systems
- Targeting less than 100 litres per person per day water use by the installation of aerated taps, low-flow showers, and dual-flush toilets and rainwater harvesting system for garden irrigation and non-potable uses.

It is considered these measures address policy DP39 in the District Plan.

Drainage

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk and at a very low surface water flood risk. There are not any historic records of flooding occurring on this site and in this immediate area. The Council's Drainage Engineer has been consulted on the scheme, and they raise no objection to the proposal subject to the submission of a condition.

Overall, it is considered that the proposal would not cause an unacceptable risk to flooding. The proposal is thereby considered to comply with policy DP41 of the District Plan.

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 of a self-build dwelling 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 Cuckfield Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP12, DP15, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 and Cuckfield Neighbourhood Plan policies CNP1 and CNP4 and CNP5.

As a result, it is considered that the application complies 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 would not result in a net increase in dwellings on the site. The proposal would result in construction jobs over the life of the build. Because, however, of the small scale of the development proposed these benefits would be very limited.

The proposal would have a neutral effect in terms of design/character, impact on the countryside, highways and parking, neighbouring amenity, ecology, sustainable design, housing standards and flood risk and drainage.

In weighing up these issues, when taken together, it is considered that there are no adverse impacts of the development which would significantly or demonstrably outweigh the benefits of the proposal.

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

Overall, the planning balance is considered to fall significantly in favour of granting planning permission.

Decision: Permission

Case Officer: Andrew Horrell