

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1928	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Erection of new self build dwelling alterations to side elevation of existing house to amend the fenestration.		
Site:	Woodcote, Yew Lane, East Grinstead, West Sussex, RH19 2AZ, , ,		
Validation Date	28 Aug 2025	Overall Expiry Date:	19 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	22 Oct 2025
Target Date:	23 Oct 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	14 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1928

**Woodcote, Yew Lane, East Grinstead, West Sussex, RH19 2AZ, ,
Erection of new self build dwelling alterations to side elevation of existing house to amend the fenestration.
Mr D Hall**

SUMMARY OF REPRESENTATIONS

A letter of representation has been received from the Upper Medway Internal Drainage Board, who have raised that the works may depend on the grant of Land Drainage Consents. However, note that proposal conflicts with the Broads regulations.

SUMMARY OF CONSULTEES

WSCC Highways Authority - No objection

Flood Risk and Drainage - Insufficient information

Tandridge DC - No objection

Street Naming and Numbering Officer - recommend informative

TOWN COUNCIL OBSERVATIONS

Committee recommended refusal of this application on the basis of DP26 Character & Design: to protect valued characteristics of the built environment for their historical and visual qualities, & EG3 Promoting Good Design b, c and d. In summary it was felt that the proposed development would be too large for the plot, have a negative impact on the neighbours and would represent an overdevelopment of the site creating a discordant feature within the area.

INTRODUCTION

The application seeks planning permission for the erection of new self-build dwelling and alterations to side elevation of the existing house to amend the fenestration.

RELEVANT PLANNING HISTORY

03/00804/FUL - Alterations and extensions. Withdrawn

03/01283/FUL - Alterations and extensions. Granted

04/00729/FUL - To erect a wooden outbuilding in rear garden on site of existing greenhouse. Granted

DM/22/3293 - First floor rear extension. Granted

SITE AND SURROUNDINGS

The application property is located on the eastern side of Yew Lane, and to the south with the junction with Lowdells Lane, within the built up area of East Grinstead.

The application consists of a detached two storey dwelling positioned centrally within the plot and orientated to face to north-eastern corner of the site and the gated access. The plot is at an elevated position above the highway with mature boundary hedging which largely obscures the ground floor of the property from view with views from the gated access.

The locality is characterised by dwellings of varying designs, forms and materials which are set back from the highway with mature front boundary hedging and trees, which gives the locality a distinct verdant edge of settlement character.

The highways around the site include public byways.

APPLICATION DETAILS

The proposal seeks permission for the erection of a detached two storey dwelling to the southern side of the existing dwellinghouse. This new property would have a triangular shape plot with a new access point onto Yew Lane with off street parking. The dwellinghouse would have an 'L' shape footprint with an overall depth and width of approximately 14.4 metres respectively. The dwelling would have pitched gable roof forms with front and rear catslide roof slopes and an area of flat roof. This would have an overall height and eaves height of approximately 8.3 metres and 5.3 metres. The dwelling would be constructed in brick and tiles.

The proposal also includes alterations to the fenestration of the existing dwelling to remove the existing south facing first floor windows which serve as secondary openings to bedrooms and to make the remaining first floor window, which serves a dressing room, to be obscurely glazed. These would be of materials to match the existing dwelling.

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) And 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 Allocation DPD and East Grinstead 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

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP21 - Transport

DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP37 - Trees, Woodlands and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

Site Allocations DPD

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

No relevant policies.

East Grinstead Neighbourhood Plan (made November 2016)

Relevant policies:

EG3 - Promoting Good Design
EG5 - Housing
EG12 - Car Parking
EG16 - Ashdown Forest Special Area of Conservation and Special Protection Area

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 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
DPS5: Water Neutrality
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN3: Green and Blue Infrastructure
DPN4: Trees, Woodland and Hedgerows
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH1: Housing
DPH3: Sustainable Development - Inside the Built-up Area
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 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 (Where being referred too)

National Design Guide

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

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

Technical Housing Standards

West Sussex County Council Guidance on Parking at New Developments

ASSESSMENT

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

- The principle of development;
- Design and Character
- Impact on the amenities of neighbouring properties
- Impact on future occupants of the development
- Highway Impact and parking provision
- Ashdown Forest
- Flood Risk and Drainage
- Sustainability
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle of Development

As the proposed development is within the built up area of East Grinstead, a Category 1 settlement, the principle of additional windfall housing development is acceptable under Policy DP6 of the District Plan which states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

The principle of developing a single new build dwelling within a defined settlement boundary is considered to be acceptable in principle, owing to the site's sustainable location. It is however also necessary to consider other planning issues in order to determine the overall planning balance.

Design and Character

Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

Policy EG3 of the East Grinstead Neighbourhood Plan states:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;*
- e) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, should be permeable and provide connectivity with neighbouring areas;*
- f) New development must be inclusive and where appropriate make satisfactory provision for the safe and easy access for those with mobility impairment; and*
- g) The design of new developments must result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; and*
- h) Proposals make provision for green infrastructure and biodiversity enhancement.*

Due to infrastructure constraints within the town, all new development proposals, which generate a net increase in traffic (excluding householder applications), will be required to contribute towards improving the walking and cycle network related to the development and be of a recognised acceptable standard.'

Paragraphs 131 and 135 of the NPPF state:

'131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

Principle DG38 of the Mid Sussex Design Guide states *'Applicants should establish an architectural approach and identity in the design of building that is borne from the place. The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated. Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony*

with its whole while appropriately responding to both its context and modern living requirements. This includes:

- *The elevational treatment and overall façade design;*
- *The placement, proportions and design of windows, doors and balconies;*
- *A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- *The appropriate incorporation of dormer windows and chimneys;*
- *An appropriate palette of good quality materials that are preferably locally sourced.'*

The existing dwelling is orientated to face towards the north-west corner and access to the site, which results in the dwelling being positioned diagonally across the square proportioned site. The proposal would occupy the southern triangular portion of the existing plot of Woodcote and would be positioned alongside the existing dwelling, however due to the central position of the existing dwelling, the proposed dwelling would be within close proximity to the existing dwellinghouse and the southern boundary of the site. This along with the triangular shape of the plot, would result in a cramped form of development which would be visible from the highway above the existing front hedging, the proposed access point and across the neighbouring property, Charnwood, due to the removal of the existing hedging as confirmed by the agent during the site visit. This form of development would be contrary to the prevailing spacious positioning of properties within the locality.

Due to unique diagonal position of the existing dwelling and proposed position of the new dwelling alongside, the proposed dwelling would extend forward of the established building line along the eastern side of Yew Lane, with the full depth of the proposed dwelling visible across the frontage of Charnwood. This would further increase the visual prominence of the proposed dwelling and the impact on the established character of the area.

Additional information has been provided by the agent in response to concerns raised, which includes comparisons to the plot and dwelling sizes of other properties within the locality. A number of these properties are positioned on different roads within the locality, which are visually separate from the application site, and reflect the specific character of these areas. These properties also do not have any similarities in form and appearance to the proposal. Notwithstanding this, each application is considered on its own merits.

The proposed alterations to the existing dwellinghouse, to include removal of existing windows, these are considered minor in form and would be acceptable when seen in isolation.

It is therefore considered that the proposal would be of a form, position and scale which would be cramped in appearance and a form of overdevelopment of the site which would be out of keeping with the character of the locality and the streetscene, contrary to policy DP26 of the Mid Sussex District Plan, policies EG3 and EG5 of the East Grinstead Neighbourhood Plan and the Mid Sussex Design Guide.

Policies DP26, EG3 and EG5 accord with the aims and are consistent with paragraphs 131 and 135 of the NPPF and as such these policies can be given full weight.

Impact on the amenities of neighbouring properties

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

Policy EG3 states that proposals should "not harm" 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 host dwelling, Woodcote, would be located to the north of the proposed dwelling. The proposed dwelling would not extend beyond the front or rear elevation of the existing dwelling. The retained ground floor side windows of the existing dwelling which would face the proposed dwelling would result in a loss of outlook and sunlight, however these openings serve rooms that are served by openings on other elevations. It is therefore considered that the proposal would not cause significant harm to the amenities of this neighbouring property.

On the southern side of the site is Charnwood, a one and a half storey dwelling. The proposed dwelling would be positioned adjacent to the boundary fence with this neighbour, with the rear and side elevation angled towards this neighbour across the triangular shape rear garden. At present there is close boarded fencing and a line of conifers trimmed into a hedge along the boundary. During the site visit it was confirmed by the agent that these plants are within the applicant's ownership and would be removed as part of the proposal. Notwithstanding this the hedging could be removed at any point. The proposed dwelling face towards the rear and front garden of this neighbour with which would result in overlooking from the first floor habitable rooms and a loss of privacy to this neighbouring dwelling, amounting to significant harm.

To the east of the site is Hedgerows which faces onto Lowdells Lane. The proposed dwelling would be some 20 metres from this neighbouring dwelling with the rear garden of the host dwelling in between. Given the separation distance it is considered that the proposal would not cause significant harm to the amenities of this neighbour.

It is therefore considered that the proposal would cause significant harm to the amenities of Charnwood by way of overlooking and a loss of privacy, contrary to policy DP26 of the Mid Sussex District Plan.

As set out previously, policy DP26 accords with the aims of paragraph 135 of the NPPF and as such this policy can be given full weight.

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 five bed, ten 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.

Due to the size and scale of the proposed dwelling in relation to the shape and proportions of the plot it is considered that the private amenity space for the dwelling would be disproportionate to the property and would fail to provide sufficient amenity for the future occupiers of the dwelling, which would result in significant harm to their amenities, contrary to policy DP26 of the Mid Sussex District Plan.

Highway impact and parking provision

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

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.'*

WSCC Highways Authority has been consulted on the application and has provided the following comments:

'This application seeks the erection of a new self-build dwelling and alterations to side elevation of existing house. The site is located on Yew Lane, a privately maintained road - as such, these comments should be considered as advice only.'

A new vehicle access is proposed on Yew Lane to serve the site. As Yew Lane is privately maintained, the proposed access works will be subject to formal approval from the road's proprietor. The addition of a single dwelling is not anticipated to give rise to a significant material intensification of movements on the maintained highway network.

The demonstrated car parking provision would be considered suitable for a dwelling of this size and location under WSCC Parking Standards. On-site turning has been shown to be achievable, meaning cars can exit in a forward gear. The LPA are advised to secure cycle parking provision, to promote sustainable transport methods.

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.'

Given these comments it is considered that the proposal would meet the requirements of policy DP21 of the Mid Sussex District Plan.

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 in this planning application.

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 is within the 7km zone of influence and generates a net increase of 1 dwelling, and as such, mitigation is required.

An appropriate scale of SAMM mitigation for the proposed development is £1,170, and if the approved scheme provides for a strategic SANG contribution, this would be £5,253.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contributions for SAMM and would be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

The Planning Obligation securing the SAMM and SANG contributions have not been completed so it is considered that the mitigation of the recreational impact to the Ashdown Forest has not been secured. The proposal therefore does not accord with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and raise no objection to the application subject to the required SANG and SAMM mitigation being secured.

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. 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 the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC. Natural England has been consulted on the appropriate assessment of this proposed development and raise no objection to the application subject to the required SANG and SAMM mitigation being secured.

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed has not provided sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

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

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered

any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Policies DP17, EG5 and EG16 accord with the aims and are consistent with paragraph 194 of the NPPF and as such these policies can be given full weight.

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.'

Paragraph 181 of the NPPF in part states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.'

The Council's Flood Risk and Drainage Team have been consulted on the application, however they have been unable to provide comments on the application due to lack of information. It is noted that the site is not within an area of flood risk, however Yew Lane itself is within an area of risk of surface water flooding, which could affect access to the site. Due to the lack of information provided the potential impact of the proposal on this area of flood risk cannot be assessed.

The application form states that a soakaway would be provided, however no details of this have been provided.

It is therefore considered that insufficient information has been provided to demonstrate that the proposal is acceptable in terms of flood risk and drainage, contrary to policy DP41 of the Mid Sussex District Plan and the relevant provisions of the NPPF.

Policy DP41 accords with the aims and are consistent with paragraph 181 of the NPPF and as such this policy can be given full weight.

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.'*

No sustainability report has been provided with the application, and although this would have been submitted from the outset it is considered that this information can be achieved by condition.

The site is located within the built up area of East Grinstead and is in close proximity to the local services with bus routes into the centre of East Grinstead and its train station. The proposal also provides sufficient space for cycle storage for the unit, which could also be obtained by condition. It is therefore considered that the proposal could comply with policy DP39 of the Mid Sussex 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 Hurstpierpoint and Sayers Common Neighbourhood Plan.

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 DP17, DP26 and DP41 of the District Plan and Neighbourhood Plan policies EG3, EG5 and EG16 of the East Grinstead Neighbourhood 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.

Weighing against the scheme is the concerns regarding the position, form and scale of the proposal, resulting in a cramped form of development which would result in overdevelopment of the site out of keeping with the character of the locality and the streetscene. The proposal would cause significant harm to the amenities of Charwood and the future amenities of the occupiers of the proposed dwelling, and the lack of information on flood risk and drainage of the development. In the absence of a completed legal agreement to secure the necessary SAMM and SANG payments the proposal fails to mitigate its impact on the Ashdown Forest Special Protection Area.

These factors weigh heavily against the proposal.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP4, DP5, DP6, DP21, DP27, and DP39 and policy EG12 of the East Grinstead Neighbourhood Plan.

On the positive side the provision of a net increase in 1 No. dwelling on the site, which is considered to be within a sustainable location, which will make a minor but positive contribution to the district's housing supply. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would have limited weight.

The proposal would have a neutral effect in terms of highways and parking.

In weighing up these issues, when taken together, it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal. The proposal is considered to be contrary to District Plan policies DP17, DP26, DP41 and Neighbourhood Plan policies EG3, EG5 and EG16 and there are no other material planning considerations to justify a decision otherwise than in accordance with the development plan.

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

Decision: Refusal

Case Officer: Katherine Williams

