

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1688	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	The erection of two new dwellings, as well as 8 parking spaces and a single-storey garage structure to the existing house at Upper Stumble. An upgraded access road leads to two new detached properties to the land at the rear (west) of the bungalow at "Robin Shaw", Wayside.		
Site:	Robinshaw, Haywards Heath Road, Balcombe, Haywards Heath, West Sussex, RH17 6NJ, ,		
Validation Date	11 Aug 2025	Overall Expiry Date:	23 Sep 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	6 Jan 2026
Target Date:	6 Oct 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	5
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Signed and Agreed By:	Steven King	Date:	9 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1688

**Robinshaw, Haywards Heath Road, Balcombe, Haywards Heath, West Sussex, RH17 6NJ,
The erection of two new dwellings, as well as 8 parking spaces and a single-storey garage
structure to the existing house at Upper Stumble. An upgraded access road leads to two new
detached properties to the land at the rear (west) of the bungalow at "Robin Shaw", Wayside.
Mr Simon Lambor**

SUMMARY OF REPRESENTATIONS

Three letters of representation have been received which raise the following concerns:

- Unsuitable location for development
- Removal of trees
- Impact on woodland and biodiversity
- Impact on the countryside
- Haywards Heath Road, fast road and dangerous, impact on highway safety during construction
- Query regarding the footpath proposed onto land outside the applicant's ownership
- Previous building on the site, disregard for building regulations and operating hour restrictions, caused noise and disturbance
- Current property is out of keeping with the character of the area, proposal would further impact the rural character due to density and style
- Increased density would increase traffic, noise and disturbance to neighbours
- The northern dwelling would be too close to the rear boundary line of White Gables, impact on privacy by overlooking, and loss of light

A letter of support has also been received, which raise the following points:

- Provides needed family homes
- Small scale development, appropriate to village

SUMMARY OF CONSULTEES

MSDC Tree Officer - no objection, recommend condition

MSDC Street Naming and Numbering - informative

WSCC Highways Authority - no objection, recommends conditions

Southern Water - no objection, recommend condition

Ecologist - No objection, recommend conditions

Nature Space - No objection, informative

MSDC Flood Risk and Drainage Team - no objection, recommend condition

Environment Agency - no objection

PARISH COUNCIL OBSERVATIONS

Balcombe Parish Council objects to the proposal, and summarise their comments as follows:

'This site does not conform with policies in the NNPF, District Plan nor the Neighbourhood Plan and contributes nothing to the enhancement or need in the AONB.

It does not accord with Policy DP15 or DP25, it is in conflict with DP16 and does not accord with NP Policy 3 nor DP 30.

In the Neighbourhood Plan, we were careful to select development sites that balanced established need whilst maintaining the character of Balcombe as a rural village.

We do not believe that this development contributes to that or is required, the precedent of back building outside the built-up boundary needs to be strongly resisted to maintain the character of the village and the AONB.'

INTRODUCTION

The application seeks planning permission for the erection of two new dwellings, as well as 8 parking spaces and a single-storey garage structure to the existing house at Upper Stumble. An upgraded access road leads to two new detached properties to the land at the rear (west) of the bungalow at "Robin Shaw", Wayside.

RELEVANT PLANNING HISTORY

DM/17/2223 - Proposed two storey five bedroom detached house and separate double garage. Granted
DM/22/00538 - Variation of conditions 2 and 3 relating to application DM/17/2223 to allow for a reduced front door and window arrangement and change in materials of the façade. Granted

DM/23/2158 - Proposed erection of four dwellings, two semi-detached and two detached properties as well as 6 parking spaces and a single-storey garage structure to the existing house at Upper Stumble. The two semi-detached properties will replace the bungalow at "Robin Shaw" and an upgraded access created to the two new detached properties to the land at the rear (west). Withdrawn

DM/24/0775 - To part demolish and extend an existing bungalow (Robin Shaw) to create a 2-storey dwelling and provision of 2no. new homes to the rear. The scheme also seeks to make provision of public access to the adjacent Upper Stumble Wood with a pedestrian path routed through the site to access the wood at the rear. Refused

SITE AND SURROUNDINGS

Robinshaw is a detached bungalow which is situated to the front of the site alongside Haywards Heath Road. To the northern side of this dwelling is a single vehicle access track leading to the rear site where there is a contemporary split level dwelling to the south-west of the plot outside of the red line. The site itself opens up and forms a large area of land which has been largely cleared with some trees within the site. To the north, south and west are trees and vegetation on the boundaries.

The site itself slopes up to the north and slopes away to the north-west from the highway of Haywards Heath Road.

To the north-east is linear ribbon development along the highway with dwellings benefitting from long rear gardens. The development boundary of Balcombe ends on these rear boundaries. In addition, to the north of the site is linear residential development along Oldlands Avenue, with a small rearward terraced development set back from the residential road. The development boundary of Balcombe also stops on the boundary with these gardens.

To the west of the site outside of the ownership of the applicant is Ancient Woodland.

In terms of planning policy part of the site (frontage) falls within the built-up area, with the rear of the site being within the countryside; the whole of the site lies within the High Weald Area of Outstanding Natural Beauty as defined by the District and Neighbourhood Plans.

An application was previously refused on the site sort for the erection of 2 No. dwellings to the rear of the site, of two storey form and contemporary design, with the replacement of Robinshaw with a two-storey detached dwelling (DM/24/0775). This also included rear carports for Wayside and the replacement dwelling of Robinshaw, with detached carport and garage for one of the proposed dwellings and Upper Stumble. This application was refused for the following reasons:

1. The development due to the design and scale of plots B and C as well as the design and siting of the car port buildings within the development would result in an urban and stark appearance with a limited positive frontage and a hard edge. This would not fit into the rural edge of Balcombe nor preserve or enhance the character of this part of the High Weald Area of Outstanding Natural Beauty. The proposal would thereby conflict with Policies DP16 and DP26 of the Mid Sussex District Plan, Policy 3 of the Neighbourhood Plan and the provisions of the NPPF.

2. The dwelling on plot A would result in limited privacy and defensible space due to the relationship of the ground floor windows and the access road. In addition due to the layout and size of window proposed to bedroom 3, there would be limited light and a poor outlook to occupants of this room. The proposal would thereby result in significant detriment to the living conditions of future occupiers of this dwelling contrary to Policy DP26 of the Mid Sussex District Plan and the provisions of the NPPF.

3. Insufficient information has been provided to show that the site will be satisfactorily drained and demonstrate that the development is safe across its life time and would not increase risk of flooding elsewhere. The proposal is thereby contrary to Policy DP41 of the District Plan and the requirements of the NPPF.

4. Insufficient information has been provided to fully assess the impact on the adjacent Ancient Woodland and the additional recreational pressure and/or how it will be managed. The proposal is thereby contrary to Policy DP38 of the District Plan and the requirements of the NPPF.

APPLICATION DETAILS

The proposal would utilise the existing access of Upper Stumble and would include the erection of 2 No. detached two storey dwellings. The dwellings would both consist of 4-bed 8-person units and would be of the same design and form.

The dwellings would have pitched hipped roof forms with feature front and rear barn-hip ends, with pitched roof porch canopies. The dwellings would be constructed in red brick, clay hanging tiles, red clay roof tiles and timber fenestration.

One of the proposed dwellings would be located to the rear of Robinshaw and the other to the northern side of the site, to the rear of a number of other properties which face onto Haywards Heath Road. Both properties would be orientated to face onto the access.

The proposal also includes parking for Wayside and Robinshaw, relocated from the front to the rear of the properties, along with a flat roofed double garage for Upper Stumble, which would be located to the eastern side of 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 Balcombe 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
- DP16 - High Weald Area of Outstanding Natural Beauty
- 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
- DP34 - Listed Buildings and Other Heritage Assets
- DP37 - Trees, Woodlands and Hedgerows
- DP38 - Biodiversity
- DP39 - Sustainable Design and Construction
- DP41 - Flood Risk and Drainage
- DP42 - Water Infrastructure and the water environment

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.

Balcombe Neighbourhood Plan (made September 2016)

Relevant policies:

- Policy 1 - Built Up Area Boundary
- Policy 3 - Design
- Policy 11 - Renewable Energy

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Countryside and Rights of Way Act (CRoW) 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 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
DPN4: Trees, Woodland and Hedgerows
DPC1: Protection and Enhancement of the Countryside
DPC3: New Homes in the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPB2: Listed Buildings and Other Heritage Assets
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH1: Housing
DPH2: Sustainable Development - Outside 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 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

National Design Guide

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

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

Technical Housing Standards

ASSESSMENT

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

- Principle of Development;
- Design and Character
- Impact on the High Weald AONB
- Impact on the Setting of a Listed Buildings and Other Heritage Assets
- Impact on the amenities of neighbouring properties
- Impact on future occupants of the development
- Impact on the Highway
- Impact on Trees
- Ecology
- Ashdown Forest
- Sustainability
- Flood Risk and Drainage
- Biodiversity Net Gain
- Planning Balance and Conclusion

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 access of the site is located within the built-up area of Balcombe, with the remainder of the site application falling outside of

the built-up area of Balcombe as defined by the District Plan. As such the proposal is located within the defined Countryside.

Policy DP12 of the District Plan states:

"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.*

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.'

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 the re-use of rural buildings in the countryside and sets out the requirements where this would be permitted, which states:

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

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

Policy 1 of the Balcombe Neighbourhood Plan states:

'The Neighbourhood Plan defines the Balcombe Built Up Area Boundary on the Policies Map shown on page 22. Sustainable development proposals located inside the Built Up Area Boundary will be supported, provided they accord with planning policy, the other provisions of the Neighbourhood Plan and the Mid Sussex development plan. Development proposals outside of the Built Up Area Boundary will be required to conform to development plan policies in respect of the control of development in the countryside.'

The proposal relates to the creation of two new dwelling on a site which is contiguous to the built up area of Balcombe, with the access onto Haywards Heath Road within the built up area. The proposal is therefore considered to comply with the criteria of policies DP6 and DP15.

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

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

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

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

'For decision-taking this means;

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

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

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

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

Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

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

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

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

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

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application. The ethos of these policies are reflected in policy 1 of the Balcombe Neighbourhood Plan, and as such are given also given limited weight.

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.

Assessment

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 3 of the Balcombe Neighbourhood Plan relates to design and states:

'The scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and to avoid any significant detrimental effect on the landscape and natural beauty of the High Weald AONB and the significance and character or appearance of the Balcombe Conservation Area, where a building will command a view.'

Unless otherwise proposed in Policy 2, development proposals will be expected to demonstrate they accord with the provisions of the Balcombe Village Design Guide and with the following principles:

- i. approximately 75% of the total number of dwellings of the scheme, and especially the affordable homes, are no larger than 3 bedroom dwellings with a proportion suited to occupation by households of retirement age;*
- ii. approximately 25% of the total number of dwellings of the scheme to comprise dwellings of no more than 4 bedrooms;*
- iii. they comply with affordable housing requirements of the Mid Sussex development plan;*
- iv. new and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community; and*
- v. new residential and commercial development will be permitted where there is sufficient infrastructure capacity currently available or where the necessary capacity can be provided to an agreed timetable.*

Proposals that involve the change of use of listed buildings within the settlement boundary for housing as 1, 2 or 3 bedroom units, including buildings judged to make a positive contribution to the special historic or architectural interest or character and appearance of the conservation area, will be supported provided it can be demonstrated they will sustain the significance of these heritage assets.'

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.'*

The Council's adopted Design Guide is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Design Principle DG31 seeks to focus development in sustainable locations. Within the Design Guide there is support for innovative and inventive designs that responds to the sustainability agenda within DG37. In addition, there is support for architectural integrity and a sense of place within DG38 where 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. In addition, design principle DG39 requires the scale of new buildings to relate to their context.

The proposal would create two detached dwellings of traditional design, form and materials which are considered to be appropriate to the established character of properties within the locality and the edge of village position. The proposed dwellings would be proportionate to the size of the site and the proposed plots and would be comparable to existing properties within the locality.

The proposal includes the relocation of the off street parking to the rear of Robinshaw and Wayside, which would not comprise of any built structures and would retain an open edge at the built up boundary. The proposed garage for Upper Stumble, would be located alongside the existing dwelling and would be of a design and form which reflects the character of the host dwelling, and would appear as an incidental building to the dwellinghouse.

The proposal would be located largely to the rear of the properties which face onto Haywards Heath Road, and would not be visible from the streetscene. It is noted that the removal of the front parking to Robinshaw and Wayside would be visible, however this is considered to improve the appearance of the properties in the streetscene and urban edge of the village.

Due to the above, the proposal is considered to be a form of development which would reflect the existing character of the area and would comply with policy DP26 of the Mid Sussex District Plan, policy 3 of the Balcombe Neighbourhood Plan, the Mid Sussex Design Guide and the relevant provision of the NPPF.

Impact on the High Weald AONB

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area when discharging their functions in AONBs'*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.'

Mid Sussex District Plan policy DP16 states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
- and
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular'

Paragraphs 189 of the NPPF states that

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important

considerations in these areas, and should be given great weight in National Parks and the Broads 66. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Footnote 66: English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

A similar ethos is found within policy 3 of the Balcombe Neighbourhood Plan, and the High Weald Area of Outstanding Natural Beauty Management Plan requiring proposals to conserve and enhance the AONB.

Given the design, form and scale of the proposal along with rear position of the proposal and in relation to the surrounding properties and materials within the locality, it is considered that the proposal would not have an impact on the AONB and would conserve it. As such the quality of the rural character and landscape quality of this area would be maintained and the proposal would comply with policies DP12 and DP16 in the District Plan and policy 3 in the Neighbourhood Plan.

Impact on the Listed Buildings and Other Heritage Assets

There are a number of heritage assets in the immediate vicinity of the application site. Swingate is a Grade II listed 17th century cottage located a short distance to the southeast, on the opposite side of the road. Adjacent to the site, to the south, is Little Orchards, which is considered to be a non-designated heritage asset (NDHA) of a degree of historical and architectural interest in the local context. Opposite the site is 1-4 Barnfield Cottages, a short terrace of houses which is also considered to be a NDHA.

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Paras 205, 212-215 of the NPPF state:

'205. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Policy DP34 of the District Plan is relevant and states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- *A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- *Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

The majority of the proposal is located to the rear of the properties which face onto the western side of Haywards Heath Road, which would be visually separated from the listed building and NDHAs, and not considered to be within setting of these assets. The alterations to the front of Robinshaw and Wayside to relocate the existing parking to the rear of the properties would be visible and is considered to have minor positive impact on the setting of the assets.

The proposal is therefore considered to protect the setting of the nearby listed building and NDHAs and complies with policy DP34 of the Mid Sussex District Plan and the relevant provision of the NPPF.

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*'.

House 1 to the south of the site and would be located to the rear of Robinshaw and to the eastern side of Upper Stumble. This proposed dwelling includes ground floor and first floor side windows which would face towards Robinshaw, these would serve a sitting room, utility room, study and landing. The windows facing towards Upper Stumble include windows to serve the kitchen, dining room and en-suite bathroom, which would be obscurely glazed. The proposed dwelling would be at a significantly lower ground level than Robinshaw with the proposed parking area for the existing bungalow in between. The dwelling would also be positioned 28 metres away from Upper Stumble. Given the separation distance and land levels between the properties it is considered that this dwelling would not cause harm to the amenities of these residential properties.

House 2 would be located to the north of the site and would be positioned alongside the rear boundaries of the properties on the western side of Haywards Heath Road. The proposed dwelling would be located adjacent to the rear boundaries of Maythorne and White Gables. The proposed dwelling would include windows which would face towards these neighbours and would serve the kitchen, dining room and en-suite bathroom, which would be obscurely glazed. The proposed dwelling would be some 38 metres from these neighbouring properties and positioned at a significantly lower ground level. It is noted that this proposed dwelling would be visible from these properties, however given the separation distance and the topography it is not considered that the proposal would cause significant harm to the amenities of these residential properties.

This dwelling would be some 23 metres from Upper Stumble and located to the north of this existing dwelling, given the separation distance and orientation of the dwellings, House 2 is not considered to cause harm to the amenities of this dwelling.

Third party representations have raised concern over noise and disruption during the construction process and from the increase in dwellings utilising the existing access. Some noise is inevitable from the proposed construction works; this would be for the short-term and construction hours would be controlled by condition. With regards to traffic generated from the increased number of dwellings, it is not considered to cause a level of noise and disturbance which would result in significant harm to the amenities of residential properties due to the small number of dwellings proposed.

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 four bed, eight 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.

Impact on the Highway

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

Paragraphs 115 and 116 of the NPPF are relevant in respect of transport matters and state:

'115. 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.'*

116. 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 Local Highway Authority (LHA) was consulted on the application and provided the following comments:

'The application site comprises a main building know as 'Robinshaw' currently accessed from a separate access from Haywards Heath Road. This site is comprises a dwelling 'Upper Stumble House' approved under planning reference DM/17/2223. The site was previously subject a planning application under reference DM/23/2158 for a similar residential scheme but was later withdrawn. The proposals seek erection of two new dwellings (Class C3) with 8 nos. parking spaces and a single storey garage structure to the existing house at Upper Stumble.

Access and Visibility:

The existing access will be widened to 5 metres for the first 10 metres near to the entrance to facilitate two-way car movements. This access will be shared with the adjacent property, Wayside House. Haywards Heath Road is subject to a speed limit of 30 mph. Speed surveys commissioned in February 2024 recorded 85th percentile speeds of 34mph northbound and 35mph southbound. In accordance with Manual for Streets (MfS) guidance, visibility splays of 60 metres to the north and 57 metres to the south would be necessary. These splays are achievable and are demonstrated on plan HHRB/SR/6010 Rev A included within the appendices of the TR.

Personal Injury Accident (PIA) Data:

An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no reported incidents of personal injury near to the access. Therefore, there is no evidence to suggest the existing road layout is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Internal Layout:

The site is situated in Parking Behaviour Zone (PBZ) 1. In accordance with WSCC Parking Standards, a 4-bedroom dwelling 2.7 vehicle parking spaces with 0.2 spaces per dwelling for visitor parking. The scheme proposes provision of 8 car parking spaces. The Highway Authority are convinced that sufficient parking spaces are provided eliminating the risk of overspill parking onto public highway. Safe and secure cycle parking provision is made within the curtilage of each dwelling.

Swept path analysis has been carried out for a fire appliance showing access and regress in forward gear using the internal turning head. Delivery will be carried out on site whereas refuse collection from kerbside.

Trip Generation and Highway Impact:

The nationally recognised TRICS database has been interrogated to estimate the likely number of trips generated by the 5 nos. dwellings using the access. It is estimated that the proposed uses will generate two-way vehicular trips of 3 each in the AM and PM peak hours and a total of 25 trips throughout the day. The Highway Authority do not consider that these trips would cause a detrimental impact on the operation of the local highway network.

Sustainable Transport Accessibility:

Well-lit footways present along the western border of Haywards Heath Road provide connectivity to nearby bus stops to the south of Haywards Heath Road and other local amenities and services. Balcombe train station is within a mile distance providing wider transport network connectivity to London, Chichester, Portsmouth, Southampton etc. Therefore, the site is considered sustainable.

Conclusion:

Paragraph 116 of the National Planning Policy Framework (NPPF) 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.'

Therefore, the Highway Authority do 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 (NPPF), paragraphs 114-117, as revised December 2024. Therefore, there are no transport grounds to resist this proposal.'

Your Planning Officer has no reason to disagree with the view of the LHA on these matters. The application is considered to meet the requirements of policy DP21 of the Mid Sussex District Plan.

Impact on Trees

Mid Sussex District Plan policy DP37 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:

- *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.*

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

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *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 Tree Officer has been consulted on the application and raises concerns that, as shown within the tree protection plan, one of the proposed dwellings would be within the root protection area of T5, an A category Oak. The tree protection plan provided relates to a previously refused scheme and the currently proposed plans show that the dwellings would be positioned outside the root protection areas of the trees onsite, which the Tree Officer finds acceptable. Therefore, subject to a condition to provide an amended tree protection plan no objection is raised.

The previous proposal (DM/24/0775) was refused in part due to the impact on an area of Ancient Woodland to the west of the Upper Stumble due to the inclusion of an access into the woodland which

would create recreational pressure and would fail to protect the Ancient Woodland. The current proposal does not include an access into the woodland and this previous concern has been overcome.

It is therefore considered that the proposal would be acceptable in terms of policy DP37 of the Mid Sussex District Plan subject to a condition.

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 has been consulted on the application and has provided the following comments:

'We have reviewed the Preliminary Ecological Appraisal report (Roavr Group, June 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also reviewed the information submitted relating to mandatory biodiversity net gains.

We are satisfied that there is sufficient ecological information available to support determination of this application.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal Report (Roavr Group Ltd, June 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.

A sensitive lighting design strategy has been recommended to mitigate potential indirect impacts on bats, which are considered moderately likely to forage and commute along the woodland edge and linear tree belts on site. These boundary features provide suitable habitat for common bat species, and increased artificial lighting during construction and residential use could disrupt their activity. To safeguard these ecological functions, it is essential to prevent light-spill onto vegetated boundaries and retain existing treelines, in line with the mitigation measures outlined in the Preliminary Ecological Appraisal.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Baseline Habitat Map and the Statutory Biodiversity Metric - Calculation Tool. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- b) Pre and post development habitat plans.*
- c) Legal agreement(s)*
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).*
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).*

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. However, as this application is for minor development, we are satisfied that that no further requirement is required.

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.'

Nature Space have been consulted on the application in relation to Great Crested Newts and raise no objection and have requested an informative.

Your Planning Officer has no reason to disagree with the views of these consultees. It is therefore considered that the proposal is acceptable on ecology terms subject to conditions. 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.

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

Recreational disturbance:

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

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

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

Atmospheric pollution:

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

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

Conclusion of the Habitats Regulations Assessment:

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

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

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

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:

- Fabric First Approach
- ASHPs for heating
- Water recycling
- Sustainable Drainage System
- Zero Avoidable Waste strategy

The site is located within the countryside but is contiguous to the built up area of Balcombe. Balcombe is identified as a category 3 settlement as a medium sized village providing essential services for the needs of their own residents and immediate surrounding communities. There is a footpath alongside Haywards Heath Road which leads to the village centre. Cycling is an option in the local area and Balcombe Railway Station is located approximately 1.2km west of the site, which provides links to larger urban areas.

It is therefore considered that the site is located within a sustainable location the proposal does comply with the objectives of policy DP39 of the Mid Sussex District Plan, and is acceptable.

Flood Risk and Drainage

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk. The Risk of Flooding from Surface Water mapping suggests the site is shown to be at very low to high surface water flood risk (comparable to flood zones 1 and 3b) for the present day (2025) and to be at very low to high surface water flood risk (comparable to flood zones 1 and 3b) within the climate change range of 2040 - 2060. The areas of the proposed development are at "Very Low" risk of flooding at the present day and between 2040 and 2060. The area at high surface water flood risk (Flood Zone 3b) on the site is an isolated low spot to the south which is a confined area that does not appear to be associated with a surface water flow pathway.

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 drainage plan prior to planning permission being granted and to a condition.

The Environment Agency and Southern Water have been consulted on the application and raise no objection, Southern Water requests a condition relating to landscaping and its proximity to public apparatus. However, from the plan provided with these comments the site does not include a public apparatus and the landscaping would not be within close proximity.

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 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)'.

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 Balcombe Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP6, DP12, DP15, DP16, DP17, DP21, DP26, DP27, DP34, DP37, DP38, DP39 and DP41, and Balcombe Neighbourhood Plan policies 1, 3 and 11.

It is therefore 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.

In terms of the scheme's benefits, the development will result in construction jobs over the life of the build, and there will be some economic benefits arising from the additional spending in the locality from the additional residents. The proposal will also contribute to the Council's housing supply. These are positive benefits, albeit the weight is limited due to the scale of the scheme.

There has been a neutral impact in respect of a number of issues such as the design, neighbouring amenity, highways, parking, drainage and sustainability.

There will be no likely significant effect on the Ashdown Forest SPA and SAC.

OVERALL CONCLUSION

In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development significantly or demonstrably outweigh the benefits. It is considered that the application complies with the development plan when read as a whole.

In these circumstances the NPPF states that permission should be granted.

There are no other material considerations that would alter the above planning balance and therefore the application is recommended for approval.

Decision: Permission

Case Officer: Katherine Williams