

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0707	Case Officer:	Hamish Evans
Application Type:	Full Application		
Proposal:	Conversion and minor external amendments of existing property to form 2no. 1-bedroom flats.		
Site:	London And Quadrant Housing Trust, Old Farm Close, Haywards Heath, West Sussex, RH17 7GA, , ,		
Validation Date	17 Mar 2025	Overall Expiry Date:	14 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	7 May 2025
Target Date:	12 May 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	Stephen Ashdown	Date:	7 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0707

**London And Quadrant Housing Trust, Old Farm Close, Haywards Heath, West Sussex, RH17 7GA, ,
Conversion and minor external amendments of existing property to form 2no. 1-bedroom flats.
Hyde Housing Association**

SUMMARY OF REPRESENTATIONS

Two third-party representation letters have been received in respect of this application. Both write in support of the application but one does raise concern regarding the loss of housing for foxes, any trees that are cut down should be replaced and whether the proposed garden area will be used solely by the new residents or not.

SUMMARY OF CONSULTTEES

b MSDC Housing Team

No objection but advice on Housing Standards legislation.

WSCC Highways

No objection subject to conditions.

Southern Water

No objection, advice on disposal of surface water, connections to a public sewer and tree planting.

MSDC Street Name and Numbering

Recommend informative.

MSDC Environmental Protection

No comment.

TOWN COUNCIL OBSERVATIONS

Haywards Heath Town Council

No comment.

INTRODUCTION

The application seeks planning permission for the conversion of an existing building to form two 1-bedroom flats and external amendments at London and Quadrant Housing Trust Old Farm Close Haywards Heath RH17 7GA.

RELEVANT PLANNING HISTORY

None relevant.

SITE AND SURROUNDINGS

The site is located within the Haywards Heath built up area boundary. It consists of a two-storey building which is currently vacant however was originally permitted as a management office and laundry. The building is characterised by bare brown brickwork walls, brown clay roof tiles and white uPVC windows and doors. There is an existing single storey timber shed to the rear of the building. The existing site does not benefit from any existing off-street parking provision and the unrestricted on-street parking provision within the surrounding is considered to be limited. A parking permit holder scheme is in place within the locality. The site is accessed from Old Farm Close and is located at the end of a cul-de-sac. The existing site does not have any external private amenity space. Old Farm close is located to the west of the site, shared amenity space and residential properties are located to the north and south of the site and a tree line and the A272 are located to the east of the site. The surrounding area is considered to be residential in its nature with it being predominantly populated by terraced properties which are characterised by similar external materials as the application site.

APPLICATION DETAILS

The proposal seeks to convert the existing building into two 1-bed residential flats. Flat 1 would be located on the ground floor of the existing building and would consist of a lobby room, a kitchen, living and dining room, a bathroom and a two-person bedroom. It would have a gross internal area of some 51.7 sqm with 3.2 sqm of storage area. At ground floor level an existing front door would be replaced with a new window and new windows would be installed within the north facing elevation and the east facing elevation.

Flat 2 would be located within the first-floor of the existing building and consist of a lobby room, a kitchen, living and dining room, a bathroom and a two-person bedroom. It would have a gross internal area of some 66.5 sqm with 3.1 sqm of storage area. At first-floor level new windows would be installed within the north facing elevation and the east facing elevation.

The proposal does not include any off-street parking spaces or a new vehicular access to the site. No new amenity space will be provided and the proposal seeks to utilise the existing shared amenity space to the north and south of the building. The proposal also seeks to install a low-level hedge to the north of the existing building. The plans show an indicative plan of PV solar panels along the southern and eastern facing roof slopes.

There is an existing timber shed to the rear of the building and this is to be replaced with a building of a similar footprint to provide bin and cycle storage.

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, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

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

National policy (which is contained in the National Planning Policy Framework (NPPF) 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 - Meeting Future Housing Need
DP6 - Settlement Hierarchy
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP39 - Sustainable Design and Construction

Site Allocations DPD

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

Relevant policies.

None relevant.

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made in December 2016.

Relevant policies:

Policy E9 - Design
Policy E13 - Private Outdoor Space
Policy H8 - Housing Development within the Built up Area Boundary
Policy T3 - Parking Standards

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the

Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS2: Sustainable Design and Construction

DPN2: Biodiversity Net Gain

DPB1: Character and Design

DPT4: Parking and Electric Vehicle Charging Infrastructure

DPH1: Housing

DPH3: Sustainable Development - Inside the Built-up Area

DPH11: Dwelling Space Standards

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

Chapter 11 of the NPPF deals with making effective use of land and paragraph 125 c) sets out that decisions should;

'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals should be approved unless substantial harm would be caused...'

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; (As applicable to the application, add others if relevant)

- o Principle
- o Design and Impact on the character and appearance of the area
- o Highways
- o Impact on Residential Amenity
- o Housing Standards
- o Sustainability
- o Ashdown Forest
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Principle

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

In terms of policy designations, the starting point for this assessment is that the application site falls inside of the built-up area of Haywards Heath as defined by the District Plan.

The principle of the proposed development is considered to be acceptable.

Policy H8 of the Haywards Heath Neighbourhood Plan relates to new housing development within the built up area. The policy states:

'Housing development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:

- o *The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- o *Spacing between buildings would respect the character of the street scene.*
- o *Gaps which provide views out of the Town to surrounding countryside are maintained.*
- o *Materials are compatible with the materials of the existing building.*
- o *The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- o *The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded'.*

The principle of development is therefore acceptable owing to the site's location.

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

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

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

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

'For decision-taking this means;

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

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

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

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

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

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

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

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

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

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-

of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.

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

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Design and Impact on character of the area

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

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

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- o optimises the potential of the site to accommodate development.'*

A similar ethos is contained within the Mid Sussex Design Guide SPD.

Policy E9 of the Haywards Heath Neighbourhood Plan relates to design and requires developers to demonstrate how their proposal will protect and reinforce the local character within the locality of the site; it then sets out a list of design elements that should be considered when having regard to these matters including height, scale, spacing, layout, orientation, design and materials of buildings. It should also respect natural features such as trees and hedges.

Policy E13 requires proposals for new residential development to provide good quality private outdoor space appropriate to the development proposed. The amount of land used for garden or amenity space should be proportionate to the size and type of dwelling(s) and character of the area.

Policy H8, as set out above, deals with housing development within the built up area of the town and sets out a number of similar criteria.

The proposed external alterations would be characterised by external materials similar in appearance to those used within the existing building, details of which can be secured by a suitably worded condition.

The proposal does not seek to increase the footprint of the existing building and the proposal would not significantly alter the design, appearance or scale of the existing building. The proposed alterations to the existing fenestrations and the introduction of additional openings is considered to be acceptable. The

existing building is considered to be of a residential appearance and as such the introduction of a residential use is considered to be acceptable. Details of the proposed hard and soft landscaping and the proposed shed can be secured by a suitably worded condition.

Whilst it is noted that the proposed flats would not have access to external private amenity space, there are several residential properties within the surrounding area that have a similar arrangement and there is a relatively significant amount of shared external amenity space found surrounding the existing building. As such given the type of the proposed dwellings and the character of the area this lack of private amenity space is considered to be acceptable.

Taking into account the above the proposal is considered to comply with policy DP26 of the Mid Sussex District Plan, policies E9, E13 and H8 of the Haywards Heath Neighbourhood Plan and the Mid Sussex Design Guide SPD.

Highways

Policy DP21 of the Mid Sussex District Plan requires that:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- o A high quality transport network that promotes a competitive and prosperous economy;*
- o A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- o Access to services, employment and housing; and*
- o A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- o The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- o Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- o The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- o Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- o The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- o The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- o The scheme protects the safety of road users and pedestrians; and*
- o The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

Haywards Heath Neighbourhood Plan policy T3 requires on site parking in accordance with the standards adopted by MSDC.

The proposal would result in the creation of two new residential flats and the existing site does not benefit from any existing off-street parking provision. The unrestricted on-street parking provision within

the surrounding is considered to be limited and a parking permit holder scheme is in place within the locality. The Local Highways Authority have been consulted on the application and have stated that the proposal would not result in overspill parking on the publicly maintained highway network. They also state that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. It should also be noted that the site is located within the Haywards Heath built up area boundary with sustainable travel opportunities, local amenities and employment opportunities within reasonable distance to the application site.

The Local Highways Authority have recommended a condition to secure covered and secure cycle parking which is considered to be acceptable.

Taking into account the above the proposal is considered to comply with policy DP21 of the Mid Sussex District Plan and policy T3 of the Haywards Heath Neighbourhood Plan.

Impact on Residential Amenity

Policy DP26 seeks to ensure that development:

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

Policy H9 of the HHNP requires that *'the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.'* There is thus a different test of amenity between DP26 and H9.

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.

That said, paragraph 125 c of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes, and proposals should be approved unless substantial harm would be caused. The tests are, therefore, whether the proposal would constitute significant harm under DP26 and also whether it would amount to substantial harm under the NPPF, in terms of impact on residential amenity for the occupants of nearby properties.

The MSDG SPD also states:

'Principle DG45: Privacy of existing and future residents

Applicants will need to demonstrate how privacy will be achieved between new and existing developments.

The following elements can have an impact on privacy:

- o The relationship of buildings to each other including the positioning and design of windows and doors;*
- o The topography and relative height of adjacent buildings;*
- o The provision of good noise insulation;*
- o The relationship of the parking, gardens, front defensible space, balconies with the adjacent buildings;*
- and*
- o The position and arrangement of habitable rooms.*

Direct overlooking of private amenity space from habitable rooms in neighbouring properties should normally be avoided.

Set-back upper floors, recessed balconies and generous internal courtyards can all help to deliver higher densities whilst respecting privacy. Because they are usually more visible, the privacy of ground floor flats should particularly be considered, and the provision of dedicated private rear gardens will often be necessary.'

Due to the position of the proposed and existing openings they would not have direct views into nearby properties private amenity spaces. The existing building is set some 13 metres from the existing dwellings to the south of the site and some 18 metres from the dwellings to the north of the site. The habitable rooms within the proposed residential flats would all be serviced by windows allowing in sunlight and daylight. Whilst it is noted that the proposed flats would not have access to external private amenity space, there are several residential properties within the surrounding area that have a similar arrangement and there is a relatively significant amount of shared external amenity space found surrounding the existing building. The proposal also includes landscaping measures to prevent direct views into the existing ground floor openings. It should be noted that even without the landscaping measures the proposed arrangement is considered to be acceptable as there are similar existing arrangements within the surrounding area.

Taking into account the above the proposal is considered to not cause either significant or substantial harm to the amenities of nearby residents or future occupiers of the site and as such the proposal complies with policy DP26 of the Mid Sussex District Plan, principle DG45 of the Mid Sussex Design Guide SPD and paragraph 125c of the NPPF.

Housing Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 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. Policy DP27 of the District Plan supports this.

The proposed conversion does not increase the size of the existing building. The existing ground floor will be converted to a one-bedroom two-persons flat with a total gross internal area of some 51.7 sqm with 3.2 sqm of storage area. The first-floor will also be converted to a one-bedroom two-persons flat with a total gross internal area of some 66.5 sqm with 3.1 sqm of storage area. The above dimensions comply with the minimum gross internal floor areas which are set out within Technical housing standards - nationally described space standard and thereby providing a satisfactory standard of accommodation for future residents and according with policy DP27 of the District Plan.

The Council's Housing team have commented on the application advising of Environmental Health legislation. These comments are noted and given the above assessment the proposal is considered to provide a satisfactory standard of accommodation for future residents.

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.'*

Principle DG37 of the Council's Design Guide deals with 'sustainable buildings and states;

'The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.'

It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.

Paragraph 164 (b) of the NPPF seeks to ensure new development helps, 'to reduce greenhouse gas emissions, such as through its location, orientation and design.' In determining planning applications paragraph 166 (b) expects new development to, 'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

The submitted documents state that as part of the proposal the application seeks to upgrade the existing windows and doors with replacement that will match the existing openings in terms of design but would improve the energy efficiency of the building. The proposal would be reusing and repurposing an existing building. The proposed plans also show indicative PV panels within the eastern and southern facing roof slopes. Taking into account the above the proposal considered acceptable and to accord with policy DP39 of the 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.

Recreational disturbance

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

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

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

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of

Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

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

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

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

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Haywards Heath Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP4, DP5, DP6, DP21, DP26, DP27 and DP39 and Haywards Heath Neighbourhood Plan policies E9, E13, H8 and T3.

As a result, it is considered that the application complies with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

Paragraph 125 states in part (at criteria c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, the proposal would result in the provision of 2 new dwellings which will make a minor but positive

contribution to the district's housing supply and requirement. 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 be very limited.

The proposed development of this brownfield site in a built up area will ensure that para 125 c of the NPPF is met. This is positive in the planning balance.

The proposal would have a neutral effect in terms of design/character, highways and parking, neighbouring amenity and sustainable design. There will be no likely significant effect on the Ashdown Forest SPA and SAC and the impact on the Ashdown Forest.

In weighing up these issues, when taken together, it is not considered that there are adverse impacts of the development which would significantly or demonstrably outweigh the benefits of the proposal.

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

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

Decision: Permission

Case Officer: Hamish Evans