

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2994	Case Officer:	Caroline Grist
Application Type:	Full Application		
Proposal:	Proposed extension of existing school car park to improve highway safety. Associated landscape and biodiversity improvements.		
Site:	Philpots Manor School, Hook Lane, West Hoathly, East Grinstead, West Sussex, RH19 4PR, ,		
Validation Date	24 Nov 2025	Overall Expiry Date:	30 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 Jul 2026
Target Date:	19 Jan 2026	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	21 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2994

**Philpots Manor School, Hook Lane, West Hoathly, East Grinstead, West Sussex, RH19 4PR,
Proposed extension of existing school car park to improve highway safety. Associated
landscape and biodiversity improvements.
Mr Steve Ogilvie**

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Environment Agency

No objection.

Highways Authority

No objection.

Ecologist

No objection. Conditions recommended.

District Licensing Officer (Great Crested Newts)

No objection. Condition and informative recommended.

Drainage Engineer

No objection. Condition recommended.

PARISH COUNCIL OBSERVATIONS

The Parish Council has no objections.

INTRODUCTION

Planning permission is sought to extend an existing school car park to improve highway safety, with associated landscape and biodiversity improvements.

RELEVANT PLANNING HISTORY

01/01005/FUL - Retrospective application to widen drive by approx 4 metres. The hedge line which was taken away is to be replaced. Permission.

01/01291/FUL - Siting of mobile classroom unit for three year period. Permission.

01/01869/FUL - Alterations to existing building to suit the teaching of a different school curriculum subject. Permission.

02/02145/FUL - Single storey infill between existing 'Marley' buildings to provide staff accommodation. Permission.

02/02146/LDC - Siting of a static caravan for staff accommodation. This is an application to establish whether the existing use is lawful: this will be a legal decision where the planning merits of the existing use cannot be taken into account. Permission.

02/02147/FUL - Siting of caravan on pitch indicated on drawing 993/02. Withdrawn.
02/02148/FUL - Erection of proprietary garden store shed. Permission.
03/03038/COU - Change of use of approximately 800 square metres to car parking. Permission.
04/01280/FUL - Retention of mobile classroom. Permission.
05/02876/FUL - Retrospective construction of Equestrian Sand School 40m x 20m. Renewal of expired permission HO/038/97. Permission.
DM/24/1836 - Erection of Equestrian and Land Management Centre for educational purposes to expand and improve the learning opportunities at Philpots Manor School, together with associated access. Permission.

SITE AND SURROUNDINGS

The application relates to the existing school car park and an adjoining area of undeveloped land to the east. The application site is on relatively level land, then the land slopes away to the south.

To the west of the site is Philpots Manor School and to the north is the lane that connects the school to West Hoathly. A manage lies to the east, whilst the Equestrian and Land Management Centre, granted planning permission under application DM/24/1836, would be to the south east. Undeveloped land lies to the south and beyond the highway, to the north, is a quarry.

The site is located outside of the built up area of West Hoathly and is therefore within the countryside. The highway is Public Right of Way (PRoW) and bridleway. The site is also located within the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

Planning permission is sought to enlarge the existing school car park with associated landscape and biodiversity improvements. A further two rows of parking spaces are proposed in an adjoining field, creating an additional 33 spaces. The new area is to have its own access from the north and no vehicular connection to the existing car park.

The surfacing is to be finished in grasscrete, or similar, and hedging is proposed along the southern and eastern boundaries.

The existing car park is to be re-configured. It has a centrally positioned hedge and a row of 14 parking spaces is shown facing it on the western side. On the eastern side of the hedge five spaces are shown parallel to it. Further east a row parking spaces is shown mirroring those proposed. In the south western corner three parking spaces are shown lengthways, with three spaces to the north for parents to use. A drop off / collection zone is shown in the north western corner. The existing hardcore surfacing and boundary treatments are to be retained in this area.

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 Allocations Development Plan Document (DPD) and West Hoathly 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:

DP12 - Protection and Enhancement of Countryside
DP16 - High Weald Area of Outstanding Natural Beauty
DP21 - Transport
DP25 - Community Facilities and Local Services
DP26 - Character and Design
DP38 - Biodiversity
DP41 - Flood Risk and Drainage

Site Allocations Development Plan Document (DPD)

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

There are no relevant policies.

West Hoathly Neighbourhood Plan

The West Hoathly Neighbourhood Plan was formally made on 16th April 2015.

There are no relevant policies.

Other Legislation

Countryside and Rights of Way Act (2000)

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has

published his report, until that time 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

DPS6 - Health and Wellbeing

DPN1 - Biodiversity, Geodiversity and Nature Recovery

DPN2 - Biodiversity Net Gain

DPS4 - Flood Risk and Drainage

DPC1 - Protection and Enhancement of the Countryside

DPC4 - High Weald Area of Outstanding Natural Beauty

DPB1 - Character and Design

DPT1 - Placemaking and Connectivity

DPI6 - Community and Cultural Facilities and Local Services

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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/Code

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.

High Weald AONB Management Plan 2024 - 2029

ASSESSMENT

Principle of Development

The application site is situated outside of a built up area, as defined by the District Plan, and is therefore within the countryside. Policy DP12 of the District Plan relates to new development within the countryside and 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:

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

The proposal is not necessary for the purposes of agriculture and is to be used in association with Philpots Manor School. Philpots Manor School is a Special Educational Needs and Disabilities (SEND) school, which is for pupils with identified social, emotional, behavioural and mental health needs and social communication difficulties.

Policy DP25 of the Mid Sussex District Plan relates to community facilities and local services, which includes education facilities. In part the policy states:

'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported'.

The submitted Planning Statement sets out that the proposal is intended improve pedestrian safety during school drop-off and collection times. The school currently has 62 pupils and, at full capacity, has 79 members of staff. There is one car park associated with the school, which has a capacity of 65 spaces, and is used almost entirely by staff members. As such, the car park is at full capacity during the working day and there are little to no spaces available for parents to use at drop-off or collection times. Parents presently queue through the car park, before collecting their children from the reception entrance (located on the north western side of the car park) and leaving back along the access. This creates a lack of space, congestion and queueing, which leads to safety hazards.

The proposed scheme therefore seeks to enlarge the existing car park, to create additional parking for staff and other employees, which would facilitate more space for manoeuvring vehicles through the existing car park at drop-off and collection times. Three car parking spaces for parents would also be created.

It is therefore considered that the proposal would result in an improvement to an existing local service, which is supported by policy DP25. As policy DP25 supports such a proposal it would therefore comply with policy DP12, in that there is specific policy support for this development. However, an assessment will still need to be made to ensure that the proposal maintains or enhances the rural landscape character. This will follow in the next section of the report.

Design and impact on the character of the area

One of the key issues is the visual impact on the character of the area. This is particularly important in this case given the site is within the countryside. The NPPF states that policies and decisions should contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside'* (para 187b). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the amenity of West Hoathly.

As the proposed development is located within the countryside Policy DP12 is pertinent. The principal aim of Policy DP12 of the District Plan states: *'The countryside will be protected in recognition of its intrinsic character and beauty'*. The supporting text to DP12 sets out the following:

'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside'.

The application site is also within the High Weald Area of Outstanding natural Beauty (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.

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

'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:

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

This is also reflected in paragraph 189 of the NPPF.

With regards to design, 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:

- 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 DP27);*
- 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'.*

The Mid Sussex Design Guide SPD also seeks to secure development of a high quality design that responds to its surroundings.

The application seeks to enlarge an existing car park associated with Philpots Manor School. The above section of this report sets out the need for this facility at the school, in relation to the car parking and parent vehicular access to the school.

It is noted that the proposed scheme would increase the level of development at the school, sited within the countryside and AONB. Additionally the works would also be publicly visible from the PROW to the north of the site.

The proposal would, however, represent a logical arrangement that works with the existing car park. Following correspondence during the application, the proposed enlargement has been reduced as the original scheme proposed an extension approximately twice the size of the current scheme. It remains the case that the extension is to be finished in grasscrete, or similar, and that hedging is to be planted along the eastern and southern boundaries. The surfacing would be considered appropriate in this location and the hedge would soften the works and offer a level of screening. It is also acknowledged that the new car park area would be seen in the context of the existing car park, horse manage and new Equestrian and Land Management Centre. In addition the submitted information sets out justification for the scale of these works.

It is therefore considered that, whilst the proposal would still result in the construction of a relatively large development in this landscape, it is improved from the development as submitted. It is considered that the scale and massing would appear more appropriate and the proposed location would work with the existing car park area. The proposed choice of materials and landscaping would reflect the character of the area and it is acknowledged that a level of car parking would be expected alongside a school. It is therefore considered that, with conditions to secure the final landscaping details, the proposal would maintain the quality of the rural and landscape character of the District, conserve the natural beauty of the AONB and would be of an appropriate design quality.

Impact to neighbouring amenity

Policy DP26 of the Mid Sussex District Plan 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);'

The proposed development is to be sited away from neighbouring buildings and would not result in the addition of any new structures, thereby light or outlook would not be affected. As an enlargement of an existing school car park, which has provided justification for its scale, it is not considered that the proposal would result in significant harm to privacy, noise, air or light pollution.

Highways, access and parking

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

Paragraph 115 of the NPPF is relevant in respect of transport matters and states that:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) *sustainable transport modes are prioritised taking account of the vision for the site, 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 through a vision-led approach'.*

In addition, para 116 states '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*'.

The Local Highway Authority (LHA) have been consulted as part of this application and have provided comments on the scheme as it has developed during the application process.

The LHA have noted that the proposal is to improve highway safety and that the application indicates that there will not be an increase in pupil numbers, staffing or traffic levels. The access width is advised as adequate to allow two passing vehicles and the car parking layout appears to follow design advice contained in Manual for Streets guidance, relating to parking space sizes and manoeuvring space. It is further advised that the car park would be accessed from a section of Hook Lane that appears to be unadopted/private and therefore the LHA would not be involved in its construction.

Whilst no conditions have been recommended, it is noted that the LHA recommended that any gate to the car park should open inwards, and not into the access road, to ensure that the width of the access is not affected. A condition can be imposed to this effect to ensure that no highways safety issues arise from this matter. With the addition of this condition it is considered that the proposal would accord with the required policy provisions.

Flood Risk and Drainage

Policy DP41 of the District Plan relates to flood risk and drainage seeks to ensure development is safe across its lifetime and not increase the risk of flooding elsewhere.

A Surface Water Drainage Report was submitted as part of this application and has been considered by the Drainage Engineer. The development is to be finished in a grasscrete or similar permeable paving system. The Drainage Engineer has noted that this system infiltrates directly through the permeable structure and underlying granular sub-base into the natural ground beneath. Any excess runoff generated during extreme rainfall will therefore disperse naturally across adjacent grassed areas, consistent with the existing overland flow regime, which is with the ownership of the applicant. It is advised that this drainage strategy is considered acceptable in principle and the final drainage designed can be secured by a condition.

It is considered that the recommended condition would be necessary to secure the final surface water drainage and means of disposal and to ensure compliance with policy DP41 of the Mid Sussex District Plan.

Impact on Ecology

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Act, all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act, certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- o 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*
- o 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*
- o Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- o Promotes the restoration, management and expansion of priority habitats in the District; and*
- o 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 Councils Ecological Consultant has been consulted during the application process. The submitted and revised Preliminary Ecological Assessment have been considered as well as the mandatory Biodiversity Net Gain.

With regards to protected species the Ecological Consultant is satisfied with the information that has been submitted and has recommended conditions to ensure that the development is carried out in accordance with these details. To secure the biodiversity enhancement actions a condition is recommended to secure a strategy that would detail these measures. A further condition to secure a wildlife sensitive lighting design prior to the first use of the site is also recommended. The submission does not propose any lighting and none were observed in the existing car park during the Case Officer's site visit. Given the sensitivities of the site the importance of this condition is acknowledged, however the timing of the information to be provided will be adjusted to prior to the installation of any associated external lighting, to ensure it is reasonable.

The District Licencing Officer noted that the updated Ecological Assessment has revealed that there is more suitable habitat for Great Crested Newts than previously believed. As such a strengthened method statement in relation to newts was required. This has been submitted and the District Licencing Officer has confirmed that these details would now be acceptable and a condition should be imposed to ensure that the development is carried out in this manner.

The views of the Ecologist and the District Licensing Officer are shared and the conditions, as set out above, would be considered reasonable and necessary to ensure compliance with the relevant policy requirements. As such the proposal would comply with the aforementioned policies.

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)'.*

The statutory Biodiversity Metric has been submitted as part of this application as well accompanying ecological reports. The Ecologist has confirmed that they are generally satisfied with the latest information in that the post-intervention values are considered realistic and deliverable. It has been noted, however, that the current calculation would indicate there will be a loss of onsite habitat units, contrary to policy and legislation. The submitted report recommends that offsite biodiversity units from a registered habitat bank should be purchased. This recommendation is supported by the Ecologist and evidence will need to be provided, when discharging the BNG condition, to demonstrate this.

In line with the legislation on biodiversity net gain, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. This Plan is the mechanism to ensure that the biodiversity gain objective is met. The biodiversity gain condition is a pre-commencement condition and, overall, the scheme would comply with the requirements of Schedule 7A of the Town and Country Planning Act 1990.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

An overall Habitats Regulations Assessment has been undertaken for the planning application which includes the type of development proposed.

Recreational disturbance

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

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

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

Atmospheric pollution

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

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. There is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

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

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

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

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 West Hoathly Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposal is considered to be appropriate in terms of character and scale of the surrounding landscape, including the AONB; would not harm the amenities of neighbouring properties and acceptable in terms of highways matters, drainage, biodiversity and net gain. Additionally there would be benefits for the school through the improvement of their facilities. Therefore, the proposal complies with Mid Sussex District Plan policies DP12, DP16, DP21, DP25, DP26, DP38 and DP41 policy and the relevant provisions of the NPPF. The application is therefore recommended for approval.

Decision: Permission

Case Officer: Caroline Grist

