

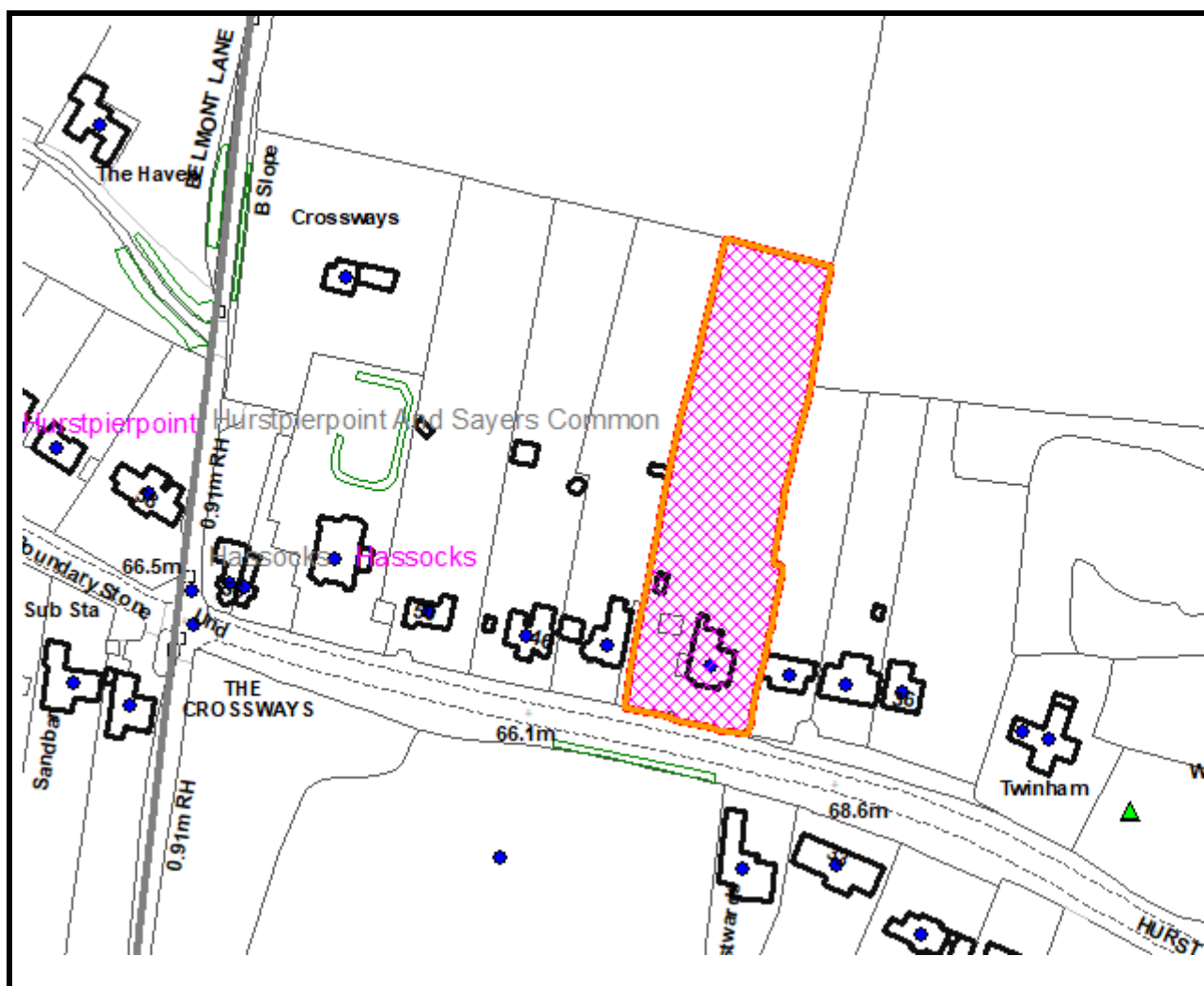
Planning Committee



Recommended for Permission

9th July 2026

DM/25/2626



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Site:	42 Hurst Road Hassocks West Sussex BN6 9NL
Proposal:	Subdivision of the existing residential plot to create 2no residential dwellings, alongside retention of existing dwelling.
Applicant:	Mr Colin Brace
Category:	Minor Dwellings
Target Date:	19th June 2026
Parish:	Hassocks

Ward Members:	Cllr Sue Hatton / Cllr Kristian Berggreen / Cllr Chris Hobbs /
Case Officer:	Rachel Richardson

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T46ESUKT07E00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 Planning permission is sought for the subdivision of 42 Hurst Road to create 2no residential dwellings, alongside the retention of the existing dwelling.
- 2.2 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 Hassocks Neighbourhood Plan.
- 2.3 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP13, DP17, DP21, DP26, DP27, DP29, DP37, DP38 and Neighbourhood Plan policies 1, 4, 5, 9 and 14. There is no coalescence resulting from the proposed development and it does seek to protect and maintain the separate identities of settlements.
- 2.4 Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP4, DP6 and DP15 of the District Plan. There is partial conflict with policy DP12, but the proposal does maintain the quality of the landscape character.
- 2.5 As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.
- 2.6 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.
- 2.7 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.

- 2.8 When undertaking the balancing exercise, the following benefits, harm and neutral impacts are as follows:
- 2.9 The construction of the development will provide local jobs and employment opportunities which is a positive economic impact.
- 2.10 Socially, the provision of two new dwellings will bring about positive impacts to the local community.
- 2.11 From an environmental view, the proposed development is sustainably located within close proximity to facilities, services and public transport. In design terms it is considered to be of sustainable design and construction, seeking to minimise energy use and using renewable sources of energy. This is all positive in the planning balance.
- 2.12 While the proposal conflicts with some policies in the development plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that, while this application is only proposing two dwellings, it would still contribute to the Council's much needed housing supply and make effective use of the land. 42 Hurst Road is a larger plot than those within the vicinity and has capacity to be subdivided in the arrangement proposed.
- 2.13 The neutral impacts relate to design, residential amenity, transport, drainage, ecology, trees, impact on Ashdown Forest and BNG.
- 2.14 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 2.15 In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome the proposal's conflict with the development plan.
- 2.16 There are no other material considerations that would alter the above planning balance.

3.0 Recommendation

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A

4.0 Summary of Representations

- 4.1 A total of 91 letters of objection has been received, and their concerns are summarised as follows:
- Conflicts with DP12 to protect the countryside;
 - Conflicts with DP13 preventing coalescence;
 - Contrary to DP26 and fails to protect garden open spaces, valued townscapes and their identity;
 - Would cause significant harm to residential amenity (light pollution and glare from headlamps, noise disturbance from increased movements including vehicular,

increased level of activity and a loss of privacy). The previous permission for an ancillary pool house is very different from a new 4 bed dwelling;

- Does not positively address sustainability considerations in the layout and building design;
- This application is to make a commercial profit;
- Destroy wildlife habitats and biodiversity;
- Increased risk of flooding and drainage capacity issues;
- Will set a precedent for backland development;
- Increased traffic and parking and difficulties with access, all prejudicial to highway safety and pedestrians;
- Not in keeping with the scale and character of buildings in the locality;
- Together with previous permissions this is incremental development which will cumulatively compromise the character of the area;
- Absence of a light impact assessment;
- Air pollution from exhaust fumes;
- Cramped and overdeveloped layout;
- Substandard arboricultural information submitted;
- Unacceptable proximity of proposed driveway to adjoining garden with insufficient landscape buffer/fence mitigation;
- Substandard access and layout arrangements;
- The arboricultural addendum lacks detailed justification in relation to the proposed track and harm to tree roots of the Ash at 44 Hurst Road.

4.2 The representations also include a letter from a lighting consultant and Richard Buxton Solicitors, acting on half of the residents of 44 Hurst Road.

5.0 Summary of Consultees

5.1 A summary of the consultees final position can be found below. Details of their full comments can be found on the public planning file.

MSDC Tree and Landscape Officer

Objection. Insufficient information to satisfactorily demonstrate that the trees will be protected.

MSDC Flood Risk and Drainage

No objection. Recommends a condition.

WSCC Highway Authority

No transport grounds to resist the proposal. Recommends conditions.

Place Services, Historic Environment Consultant (archaeology)

No objection subject to a condition.

Place Services, Ecology

No objection subject to conditions.

6.0 Hassocks Parish Council Observations

6.1 The committee reiterate their previous comments and continue to recommend the application is refused. Their comments are summarised as follows:

- It is overdevelopment of the plot
- The amended site plan still fails to adequately show the full scale of the development to the rear of the site.
- Development is not respectful to the neighbouring properties.

7.0 Introduction

7.1 Permission is sought for the subdivision of the existing residential plot to create 2no residential dwellings, alongside the retention of the existing dwelling.

8.0 Relevant Planning History

8.1 DM/24/1748 - Two storey dwelling with basement, and construction of a pool house following relocation of pool. Permission.

8.2 DM/23/3044 - Two storey side extension, replacement two storey rear extension and pool house. Permission.

8.3 DM/15/4354 - Demolition of existing detached garage, erection of single storey side and rear extension and internal alterations. Alterations to existing access with hard and soft landscaping and change of use of part ground floor to provide children's nursery. Permission.

8.4 12/04324 - Demolition of existing detached garage; erection of single storey side and rear extension; internal alterations, alterations to existing access with hard and soft landscaping; change of use to part of ground floor to provide children's nursery. Permission.

9.0 Site and Surroundings

9.1 The application property is a large detached two storey (with rooms in the roof) Edwardian property which is set back from Hurst Road behind a dwarf brick boundary wall enclosing a hard surfaced front garden area. The facing walls of the property comprise white painted pebble dash at ground floor and decorative tile hanging above. It is brickwork at the rear. The property has various later additions at the side and rear.

9.2 There is a double detached garage to the western side of the property which is set back from its principal elevation.

9.3 The existing property at No 42, sits slightly above Hurst Road and the ground is flat where the property stands, however, falls away and downhill at the rear. The rear garden is a substantial sized rectangular shape with a wooded area and open countryside to the north. The boundaries are flanked to the east and west by 1.8m high close boarded fences and mature vegetation.

- 9.4 The area is characterised by other large, detached dwellings set within spacious plots and back from the road. They are of mixed architectural styles. There are notable gaps between buildings with trees and vegetation at the rear visible from the front which contributes positively to this rural location.
- 9.5 The land immediately opposite the application site to the south is grassed and undeveloped with a ribbon of housing situated to the east.
- 9.6 The application site lies within the countryside and outside of the built-up area boundary, as defined in the Mid Sussex District Plan and the Hassocks Neighbourhood Plan. It is also within an Archaeological Notification Area and within the red impact zone for great crested newts.

10.0 Application Details

- 10.1 The application seeks permission for the subdivision of the existing residential plot to create 2no additional residential dwellings, alongside the retention of the existing dwelling. Permission has previously been granted for a new dwelling alongside the existing dwelling and a pool house, under application reference DM/24/1748. This current application proposes a new dwelling in place of the pool house (approved under DM/24/1748).
- 10.2 Amended drawings have been received for the proposed dwelling in the garden to reduce the size of the proposed car port/plant room.
- 10.3 The application proposes a subterranean (part built into the sloping levels) designed detached four bedroom dwelling. The design proposes a lightwell (at ceiling height) at higher ground level which is stepped down into the proposed accommodation.
- 10.4 The proposed plant room building and single storey car port is approximately 6m by 5m with a pitched roof height of 5m above ground level and an eaves height of about 2.5m. It would have covered parking (under a pergola structure) for two vehicles to its southern side. This is a flat roofed structure measuring about 6.8m by 5m with a height of around 2.4m.
- 10.5 The proposed plant room would have a zinc roof and be clad in vertical boarding in a hit and miss pattern. Access would be gained to the western side where it would be partially open fronted for the parking of vehicles.
- 10.6 On the eastern side of the car port building there are steps proposed leading down to the lower ground level. The northern side of this part of the proposed dwelling would be exposed (4m high above the ground level) given that the levels falls away and downhill. The flat roof would be grassed with rooflights installed. The proposed appearance is illustrated on page 25 of the Design and Access Statement giving examples of contemporary brickwork in a rural setting and a green roof over a subterranean building.
- 10.7 The amended proposed plan provides a landscaping note stating that on the boundary shared with No. 44, it is proposed to plant a dense mixed evergreen (holly/yew) acoustic hedge to be maintained at an approximate height of 2-2.5m) to form a continuous landscape buffer between the access track and the 2m high close boarded boundary fence.
- 10.8 The proposed access (with the finished surface as hoggin - self binding gravel) is situated to the western side of the proposed dwelling alongside the boundary shared with No 44 Hurst Road. Visitor parking is also shown on the proposed plan.
- 10.9 No design changes are proposed to the dwelling approved under DM/24/1748. However, in the report for DM/24/1748, the description of the proposed dwelling adjacent to the existing dwelling (42 Hurst Road) is as follows:

'From the street scene and front elevation, the proposed dwelling is a two-storey pitched roof building with a gable. The front elevation is set back just behind the principal elevation (by around 0.6m) of the existing property. The proposed dwelling has a width of around 6.3m and extends to the side by about 8m. A gap of about 1.5m will be retained between the existing property and proposed side dwelling. It will have an overall depth of about 14.5m at ground level which reduces to 12.6m at first floor level. Its overall height measures approximately 8m above ground level. Rooflights are proposed in the western side elevation of the pitched roof. A lean-to entrance/lobby (1.9m wide by 3m deep) is proposed on the western side of the property. A brick-built planter /buffer is proposed at the rear between existing and proposed dwellings.'

- 10.10 A glazed lobby/entrance is proposed to the western side of the proposed dwelling (adjacent to 42 Hurst Road). There is also a garden room proposed beneath the ground level.
- 10.11 Like the permission under DM/24/1748, this proposal also includes removal of the pebble dash to reveal existing brickwork at ground level on 42 Hurst Road, the existing property.
- 10.12 The proposed site plan shows rear gardens of about 18m in length for the existing and proposed dwellings which front onto Hurst Road. This is the same as that approved under DM/24/1748.
- 10.13 The application is accompanied by:
- Planning statement
 - Design and Access Statement including Sustainability
 - Arboricultural Report and Addendum Note
 - BNG Statement and Metric
 - Preliminary Ecological Appraisal
 - Heritage Statement
 - Foul and Surface Water Drainage Statement

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 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.'*
- 11.3 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.'*
- 11.4 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.

- 11.5 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.
- 11.6 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 Hassocks Neighbourhood Plan.
- 11.7 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 it is an important material consideration.

Mid Sussex District Plan (MSDP) 2014-2031

- 11.8 The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP12 Protection and Enhancement of Countryside

DP13 Preventing Coalescence

DP15 New Homes in the Countryside

DP17 Ashdown Forest SPA and SAC

DP21 Transport

DP26 Character and Design

DP27 Dwelling Space Standards

DP29 Noise, Air and Light Pollution

DP37 Trees, Woodland and Hedgerows

DP38 Biodiversity

DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

Site Allocations DPD

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

There are no relevant policies.

Hassocks Neighbourhood Plan

- 11.10 The Hassocks Neighbourhood Plan was made on the 24th June 2020, the relevant policies are considered to be:

Policy 1: Local Gaps

Policy 4: Managing Surface Water

Policy 5: Enabling Zero Carbon

Policy 9: Character and Design

Policy 14: Residential Development Within and Adjoining the Built-Up Area Boundary

Other Material Considerations

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

- 11.11 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

DPS4: Flood Risk and Sustainable Drainage

DPN1: Biodiversity, Geodiversity and Nature Recovery

DPN4: Trees, Woodland and Hedgerows

DPN6: Pollution

DPN7: Noise Impacts

DPB1: Character and Design

DPC1: Protection and Enhancement of the Countryside

DPH11: Dwelling Space Standards

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.12 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.

Position Statement: Delivering Sustainable Development (Dec 2025)

WSCC: Guidance on Parking at New Developments (Sept 2020)

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

National Planning Policy Framework (NPPF) (December 2024)

- 11.13 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.
- 11.14 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.'*
- 11.15 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.
- 11.16 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.'*
- 11.17 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.'*
- 11.18 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 Design Guide

- 11.19 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.
- 11.20 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.

12.0 Assessment

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

- Principle
- Design and Impact on the character and appearance of the area
- Highways
- Impact on Residential Amenity
- Housing Standards
- Accessibility
- Flood Risk and Drainage
- Ecology
- Sustainability
- Trees
- Ashdown Forest
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle

- 12.2 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.
- 12.3 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Hassocks as defined by the District Plan and Neighbourhood Plan (HNP). As such the site is located within the defined Countryside.
- 12.4 Policy DP12 of the District Plan refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.
- 12.5 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.*

- 12.6 The proposed residential development only meets criteria 3 of the above list.
- 12.7 Policy DP15 of the District Plan refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;
- Essential agricultural or forestry workers accommodation
 - Exceptional design quality for isolated new homes
 - Rural exception sites
 - DP6 requirements being met
- 12.8 The proposed residential development does not meet any of these special justifications.
- 12.9 Policy DP13 promotes well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence. This is provided the proposed development is not in conflict with policy DP12, which seeks to protect and enhance the countryside. The development should not have an unacceptably urbanising effect on the area between settlements.
- 12.10 Policy 1 of the HNP states that:
- 'Local Gaps have been defined and will be safeguarded between:*
- a. Keymer/Hassocks and Ditchling,*
 - b. Keymer/Hassocks and Hurstpierpoint, and*
 - c. Keymer/Hassocks and Burgess Hill.*
- As defined on the Policies Map with the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.*
- Development will be supported within the Local Gap where:*
- 1. It is necessary for the purposes of agriculture, or other uses which accord with national and local policies for the use of land and buildings in the countryside, or*
 - 2. It is a scheme for housing that is in accordance with MSDP Policy DP6 (1-3) or Policy SD25 of the South Downs Local Plan as appropriate to the location of the proposed development, and it would not compromise individually or cumulatively the objectives and fundamental integrity of the gaps between Hassocks and the settlements of Ditchling, Hurstpierpoint, and Burgess Hill.'*
- 12.11 Policy 14 of the HNP states inter alia that, *'Development proposals for residential development outside of the built- up area of Hassocks will be supported where they are in accordance with Policy DP6 of the Mid Sussex District Plan, Policy SD25 of the South Downs Local Plan and Policy 1 of this Plan.'*
- 12.12 There are no other relevant policies in the District Plan, any other development plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site. Whilst there is some compliance with Policy DP12, insofar as the development is deemed to maintain or enhance the quality of the rural and landscape character, as demonstrated in the design/visual amenity sub-section, the principle of the application does conflict with the development plan, in terms of what type of development is allowable under Policies DP6, DP12 and DP15.

- 12.13 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.
- 12.14 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.
- 12.15 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).
- 12.16 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 or 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.'*
- 12.17 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.
- 12.18 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.
- 12.19 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.
- 12.20 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).

- 12.21 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.
- 12.22 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.
- 12.23 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.
- 12.24 Policy DP13 (Preventing Coalescence) seeks to protect the separate identity of settlements and as such does seek, alongside policy DP12, to restrict certain forms of development. As with DP12, it is not considered that this policy directly relates to the supply of housing however, for the same reasoning as above, the weight that can be attributed to this policy is moderate.
- 12.25 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.
- 12.26 Policies 1 (Local Gaps) and 14 (Residential Development Within and Adjoining the Built-Up Area Boundary of Hassocks) of the Hassocks Neighbourhood Plan (HNP) are also to be given moderate weight in the consideration of this application proposal for the same reason as DP13, as they both seek to protect the separate identity of settlements.
- 12.27 Therefore, the key test that must be undertaken when assessing this application is as set out within para 11(d) of the NPPF. That is, whether to refuse the application where there are assets worthy of protection, or, whether there are adverse impacts that would significantly and demonstrably outweigh the benefits. The benefits in this case are, its sustainable location, making effective use of land and securing well-designed places.
- 12.28 For the purposes of the above, the application site is sustainably located, very closely located to two settlement boundaries and does not fall into those areas or assets of particular importance which are specified and should subsequently be protected.
- 12.29 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 the Character and Appearance of the Area

- 12.30 Policy DP26 of the District Plan relates to character and design and 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 DP29),*
- 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 plus unit) schemes will also normally be expected to incorporate a mixed use element,*
- optimises the potential of the site to accommodate development.*

12.31 Policy 9 of the HNP states:

'Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:

- 1. Is of high quality design and layout,*
- 2. Contributes positively to the private and public realm to create a sense of place,*
- 3. Respects the character and scale of the surrounding buildings and landscape,*
- 4. Protects open spaces and gardens that contribute to the character of the area,*
- 5. Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton,*
- 6. Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security,*

7. Creates safe, accessible and well connected environments,

8. Protects existing landscape features and contributes to the village's Green Infrastructure network,

9. Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area, and

10. Positively responds to the local vernacular character of the defined Local Townscape Character Area.'

12.32 The Council's Design Guide sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for high quality buildings that minimise their environmental impact under principle DG37. Principle DG38 requires architectural integrity and a sense of place where the façade 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.

12.33 The NPPF refers to design under chapter 12, achieving well-designed places. Paragraphs 131 and 135 are of particular relevance.

12.34 Paragraph 131 of the NPPF states that:

'The creation of high quality 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.'

12.35 The proposal comprises a new dwelling in the back garden of the existing dwelling, in addition to the proposed development approved under DM/24/1748. The proposed development would be sited on roughly the same footprint as the pool building approved under DM/24/1748. In terms of physical differences, amended drawings have been received to reduce the size of the car port as per the permission under DM/24/1748. However, under this application (DM/25/2626) it is proposed to add a timber frame pergola on the southern side of the car port to provide parking for the proposed dwelling.

12.36 There are no changes to the design of the proposed dwelling (which lies adjacent to the existing dwelling) approved under DM/24/1748 which is also being considered as part of this application.

12.37 In the report DM/24/1748 it was considered that,

'In terms of appearance and impact on the street scene, the proposed dwelling will look virtually identical (siting, scale and appearance) to the approved extension under DM/23/3044. There are minor changes like the removal of the glazed link and proposed addition of a lean to entrance/lobby. However, the proposed lean-to addition is modest and set back so would not be prominent in the street scene.

The proposed dwelling is also set back from, and at a lower height to the existing dwelling, and would therefore not detract from or dominate the original dwelling. It is considered that the proposed dwelling would not be prominent in the street scene.

It is considered that the proposed dwelling is therefore acceptable in terms of having regard to the existing street scene and character and appearance of the area, which is all in accordance with the relevant policies stated above.

In terms of the proposed pool building and pump room, this is as proposed and approved under DM/23/3044 and there are no material changes proposed under this application. The planning circumstances therefore remain unchanged. It was previously considered that, 'The landscaping and proposed development in the garden to relocate and provide an indoor pool would not be prominent from public vantage points. There are PROW some distance away to the east and west, running in a north-south orientation. It is unlikely given the distance and mature boundary vegetation, together with the proposed landscaping, that the proposed development would even be visible. It is considered that the proposed development would maintain the quality of the rural and landscape character.'

- 12.38 This is still relevant to this application proposal under DM/25/2626 in terms of visual impact.
- 12.39 The proposed dwelling at the rear may be out of keeping compared to other existing houses within the vicinity and to due to its subterranean character. This is because the existing development within the nearby vicinity is in a linear ribbon arrangement and of traditional character and appearance (two storey houses), However, the proposed rearward development (the design of which has already been approved under DM/24/1748) has limited visual impact in surrounding views due to it being partially obscured by the topography and green roof. With this in mind, it would not be prominent and cannot be compared to the scale, bulk and proportions of existing dwellings in the vicinity because it is a bespoke design that fits into this rearward location. It is therefore considered that the impact of this rearward development would not compromise the character and pattern of existing development within the vicinity.
- 12.40 In terms of layout, there would be approximately 23m between the rear elevation of the dwelling approved under DM/24/1748 and the proposed boundary to be shared with the proposed backland dwelling. The distance between the proposed dwellings would be in excess of 30m. This is considered to be a reasonable separation distance between dwellings and even more so in this case where the proposed dwelling to the north would be built into the sloping ground. While the proposed garden spaces for both dwellings are smaller than gardens to neighbouring houses within the vicinity, they are not considered to detract from the character and appearance of the locality because they are proportionate to the proposed dwellings they will serve. The proposed subdivision of the plots is also not prominent or visible in the street scene. With this being the case, it is not considered that the proposed resulting development would amount to an overdevelopment or cramped layout.
- 12.41 As such, and in terms of design and impact on the character and appearance, the proposal is considered acceptable and complies with the criteria of relevant planning policies. There are no grounds to resist the proposed development in terms of its design, and character and appearance.

Transport

- 12.42 Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking. It states:

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

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

- 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:

- 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),

- 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,

- 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,

- 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,

- 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,

- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation,

- The scheme protects the safety of road users and pedestrians, and

- 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.'

12.43 The NPPF 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 would be severe.'

12.44 The Local Highway Authority (LHA) has no objections to this application proposal.

12.45 In terms of access the LHA has commented as follows,

The site is located on Hurst Road, a B-classified road subject to a speed restriction of 30 mph.

The current dwelling has two existing vehicular access points onto Hurst Road. The applicant proposes to retain the existing access point to the east of the site for the existing dwelling. There are no apparent visibility concerns with this existing access point. The proposed development is not anticipated to give rise to a material intensification of use of the existing access point.

The existing access point to the west will be closed off and a new vehicular access on to Hurst Road will be created to serve the proposed dwelling.

In addition to the above, there appears to be a telegraph pole located within the maintained highway boundary fronting the site. The telegraph pole would need to be situated at least 1m from the top of the ramped kerb of the proposed crossover, or must be relocated at the expense of the applicant.

The applicant proposes seven car parking spaces for this development, between the three dwellings. The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require three car parking spaces per dwelling. It appears that each proposed driveway has sufficient space to accommodate a third parking space and still retain a turn on site.

The site is situated in a sustainable location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. The site is also well connected by public transport, with regular buses available from Hurst Road. Hassocks Train Station is situated approximately 1km east of the site. The applicant has demonstrated an external cycle storage area for each dwelling, which will provide secure cycle parking provision. The LHA would prefer that these areas be covered to keep bicycles dry.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.'

- 12.46 The proposed access from Hurst Road follows the previous access arrangement approved under DM/24/1748. However, under this current application it is now proposed to include a driveway alongside the western boundary of the existing property in order to serve the proposed dwelling at the rear. The proposed driveway is an extension of the hard surfaced area to the side of the existing property (approximately 32m in length). The provision of this driveway is not considered to be contentious in terms of highway safety.
- 12.47 As said above, in the LHA comments satisfactory parking arrangements for 3 vehicles per dwelling can be accommodated across the site and proposed development.
- 12.48 There is no reason to disagree with the conclusions and comments of the LHA and as such, in terms of highway safety, access and parking, the proposal is considered to meet with the Policy DP21 of the District Plan and the provisions of the NPPF.

Impact on Residential Amenity

- 12.49 District Plan Policy DP26 and Neighbourhood Plan Policy 9 are relevant in the determination of this application with regards to the impact of the changes on residential amenities.
- 12.50 Policy DP26 requires that development does not cause significant harm to the amenities of existing nearby residents and future occupants of the new dwellings. In contrast Policy 9 states that the character and design of development proposals should take account of

certain design principles and not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security.

- 12.51 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 9 of the Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.
- 12.52 Policy DP29 deals specifically with noise pollution, as well as air and light, and seeks to protect the quality of people's life from unacceptable levels of noise. It states that the residential development *'will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment, are incorporated within a development'*.
- 12.53 Mid Sussex Design Guide provides guidelines for the protection of residential amenity. Principles DG45 addresses issues of privacy, DG46 - External Amenity Space, DG47 - Daylight and Sunlight, DG48 - Noise, Air and Light Pollution. It acknowledges that the design of new development can have a direct impact on the quality of life.
- 12.54 The NPPF also states at paragraph 135 (f) that decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 12.55 As mentioned above, a number of objections have been raised in relation to amenity. These include:
- light and air pollution,
 - noise disturbance from increased movements including vehicular, increased level of activity
 - loss of privacy. The previous permission for an ancillary pool house is very different from a new 4 bed dwelling.
- 12.56 The physical impact of the proposed dwelling (approved under DM/24/1748) on the neighbouring amenity of the property adjoining 42 Hurst Road to the west (No 44) was considered under and it was concluded that there was no unacceptable harm to residential amenity.
- 12.57 The proposed development under DM/24/1748, and adjacent to the existing dwelling, was concluded that it would not appear oppressive in the outlook when viewed by the occupants of the adjoining property to the western side of the application site which is on the closest side to the proposed development.
- 12.58 A window is proposed in the western elevation at ground floor under the current application which serves a kitchen, a non-habitable room. The only windows in this side elevation above first floor are rooflights to bedroom windows which are mainly occupied during the dark when curtains/blinds are covering the glass.
- 12.59 A terrace is also shown on the floor plans at first floor on the rear elevation. There is a deep planter on its western side to obscure views to the west. This was also shown under DM/24/1748 and was considered acceptable in terms of mitigation for overlooking/loss of privacy. There is also a gap of around 6m between the western wall of the proposed dwelling and shared boundary with No. 44. This is unlikely to cause unacceptable harm by reason of noise and disturbance for the occupants of No.44.

- 12.60 In terms of the proposed second dwelling in the back garden of the existing dwelling, and in relation to siting, scale and appearance, this is the same as the pool building approved under DM/24/1748. The difference between DM/24/1748 and this application (DM/25/2626) proposal is that the approved pool building is now being proposed as a dwelling. The dwelling has been designed so that it will be constructed within the sloping ground and only the steps leading down to it, and the plant room/pergola will be visible from the existing and the proposed dwelling set to the south.
- 12.61 The drawings approved for DM/24/1748 showed a hardsurfaced area in grey already in situ on the western side of the property. However, the current application shows this to be extended and increased in length in order to provide access to the proposed dwelling. Drawing No. 3.002 Rev C provides a landscaping note which states that there will be a dense evergreen hedgerow planted and this will be maintained at a height of between 2-2.5m to provide a continuous landscape buffer between the development and boundary 2m high close boarded fence. The drawing states this will provide effective visual and acoustic mitigation to the residents of 44 Hurst Road as well as eliminating headlamp glare. It is considered that a 2m high boundary fence in addition to planting will be adequate mitigation so there is no unacceptable harm as a result of headlamp glare. Headlamp illumination is directed forwards and at 90 degrees and would therefore be at a lower level than the boundary fence. It is also considered that the movement of vehicles for one dwelling would be low. A planning condition could be added to any planning permission to ensure the fencing is retained and maintained to the height specified, and in perpetuity.
- 12.62 The residents of No 44 adjoining the application site to the west have submitted a lighting assessment report. The letter/report recommends a mitigation strategy to safeguard the residential amenity for the occupants of No. 44 and wildlife against the adverse effects of artificial lighting. However, given that this is an existing residential area and the dwelling would be at a lower level and largely hidden due to it being cut into the sloping levels, the impact of light spillage is not considered to result in unacceptable harm for the occupants of adjoining properties.
- 12.63 It is therefore considered that, there would be no unacceptable harm caused to residential amenity in respect of light pollution and noise disturbance. The proposal is for two dwellings, one of which has already been granted permission under DM/24/1748. This application would therefore result in an additional dwelling but the cumulative effect of both is not considered to be unacceptably harmful by reason of noise generated. This is also the case in terms of air pollution from vehicle movements of another dwelling.
- 12.64 In terms of loss of privacy, the topography is such that the levels fall away and downhill in a northerly direction. The dwelling is also a subterranean design and partly constructed within the ground. As such, there will not be any unacceptable harm resulting to residential amenity for the occupants of adjoining properties by reason of overlooking and or a loss of privacy.
- 12.65 In terms of the impact between the occupants of proposed dwellings, given the separation distances between dwellings (as mentioned above) the relationship is considered to be acceptable. There will always be a certain amount of mutual overlooking in an established residential area.
- 12.66 In terms of residential amenity, the proposed development complies with the criteria of relevant policies.

Housing Standards

- 12.67 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.

- 12.68 Technical Nationally Described Housing Standards requires a 3 bedroom two/three storey house (the application form states that the proposed dwelling is a 3-bedroom house) to have a minimum internal floor area of between 102 sqm and 108 sqm with 2.5 sqm of storage. The proposed dwelling will have an internal floor area of 403.5 sqm including storage area which more than meets minimum requirements.
- 12.69 The standards also require a 4-bedroom single storey house to have a minimum internal floor area of between 90 sqm and 117 sqm with 3 sqm of storage. The proposed dwelling will have an internal floor area of 192 sqm including storage area which more than meets minimum requirements. The DAS confirms that this provides a generous and spacious internal environment.
- 12.70 As such, the application is over and above the minimum internal floor area required and complies with Technical Standards and DP27.

Accessibility

- 12.71 Policy DP28 of the District Plan relates to accessibility and requires all development to meet and maintain high standards of accessibility so all users can use them safely and easily.
- 12.72 The submitted Design and Access Statement sets out that the application accommodates Part M and Lifetime homes requirements throughout the design. Measures are to include a slope to the widened entrance door with a level access via a lift to an open lobby and Part M domestic staircase.
- 12.73 The proposed dwelling would also need to be compliant with building regulation standards to ensure that it is accessible.
- 12.74 The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the units proposed and thereby comply with Policy DP28 of the District Plan.

Flood Risk and Drainage

- 12.75 Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.
- 12.76 Policy 4 inter alia of the HNP states:
- 'Technical proposals which seek to reduce the risk of surface water flooding will be supported. Development proposals should seek to reduce existing run-off rates in the first instance.'*
- 12.77 The site lies within Flood Zone 1 with a low probability of flooding (less than 1 in 1000 annual probability of river/sea flooding).
- 12.78 The Councils Drainage Engineer raises no objection subject to further details of the proposed foul and surface water drainage and means of disposal to be submitted to and agreed by the planning authority by way of a condition.
- 12.79 The application form states that the surface water will be disposed of via a sustainable drainage system. Foul water disposal will be via the mains sewer.
- 12.80 This is acceptable in principle and complies with policy DP41 of the District Plan and Policy 4 of the HNP.

Ecology

- 12.81 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).
- 12.82 Policy DP38 of the District Plan seeks to protect and enhance biodiversity.
- 12.83 Para's 185 - 188 of the NPPF relate to habitats and biodiversity. Para 186 states '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'. In addition, it considers that 'development whose primary objective is to conserve or enhance biodiversity should be supported'.
- 12.84 The application is accompanied by a Preliminary Ecological Appraisal (updated August 2025). Section 4 of this statement addresses mitigation in relation to trees, invertebrates, amphibians/reptiles, birds, bats, badgers, hazel dormice, rabbits, non-native invasive species and other protected and notable species. Section 6 of the DAS Rev B also details the proposed ecology measures to be implemented as part of the development proposal. These include swift and bat boxes in surrounding mature trees and bee bricks are to be incorporated within southern facing brick walls. Native planting will be introduced in the proposed bank, and hard surfacing kept to a minimum.
- 12.85 The Council's Ecology consultant has no objections, and recommended conditions should planning permission be granted. Officers support the comments from the Council's Ecology Consultant.
- 12.86 Under DM/23/3044 NatureSpace Partnership commented that the proposed development would be unlikely to have a harmful impact on great crested newts but given the red impact zone, an informative is recommended. This can also be added to any permission granted for this application. This is still relevant to this application given that the proposed development is in the same locations and about the same size of footprints.
- 12.87 Given the above it is considered that measures can be put in place to protect the existing biodiversity on site and as such policy DP38 is complied with.

Sustainability

- 12.88 Policy DP21 of the District Plan relates to transport. The full policy is set out above. In part it requires schemes to be, *'sustainably located to minimise the need for travel' and take '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'. In addition, it requires where 'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*
- 12.89 Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It 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.'*

12.90 Policy 5 of the HNP states:

'Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable.

Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation.

Proposals which make provision for charging electric vehicles at each dwelling (where feasible) and on-street; and making parking areas charging ready will be supported.'

12.91 The application is supported by a sustainability statement set out within the Design & Access Statement. This sets out measures which will be applied to the proposal which include airtight construction, high quality insulation, low U value windows, no thermal bridging and mechanical ventilation with heat recovery. It also sets out that rainwater harvesting will be incorporated. In addition car charging points will be installed

12.92 In addition, the site is situated in a sustainable location within walking/cycle distance of local services and amenities. The site is also well connected by public transport, with regular buses available from Hurst Road. Hassocks Train Station is situated approximately 1km east of the site.

12.93 The proposal includes provision for external cycle storage areas for each dwelling, which will provide secure cycle parking provision which is in accordance with the Local Highway Authority's requirements.

12.94 Given the above, it is considered that the proposed development meets with the criteria of policies DP21 and DP39 of the District Plan and policy 5 of the Neighbourhood Plan.

Trees

12.95 Policy DP37 states in part:

'Supports the protection and enhancement of trees, woodland and hedgerows, and encourages new planting, ancient woodland and aged or veteran trees will be protected.'

12.96 The application is supported by an arboricultural report, tree constraints and tree protection plans and tree addendum note. The occupants of 44 Hurst Road have raised

concerns that the addendum note does not provide detailed justification and an adequate assessment in terms of harm to their Ash tree caused by the proposed access road.

12.97 The Councils Tree and Landscape Officer has commented that there are;

- *concerns regarding T1 and T5, in terms of future pressure.*
- *trees along the boundary, are Category C and are of limited arboricultural value. However, these trees do not belong to the applicant. temporary fencing will be installed to prevent materials being stored within the RPAs of these trees.*
- *As for the ash, it mentions cellular confinement system will be used to protect the RPA of the ash but doesn't give me a calculation of the RPA. Further it states that fencing will be put up against the boundary fenceline but doesn't convince me that materials will not be stored within the RPA, as with the other boundary trees. insufficient detail regarding construction methodology. The fencing along the boundary fenceline does not fully protect the RPA of this and other trees.*

12.98 However, and in light of the above, the Tree Officer has commented that in the event of planning permission being granted, a suitably worded planning condition such as follows, would be considered satisfactory and address her original comments.

'Notwithstanding the Tree Protection Plan dated 12/09/2023 and 09/04/2024 and addendum dated 18/07/2025, prior to commencement of the development hereby approved, a scheme of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the no dig surfacing required to protect the retained trees, including cross-sectional drawings, drawings denoting areas for storage of materials during construction and details of arboricultural supervision throughout the construction period.

The development shall thereafter be carried out in strict accordance with the approved details.'

12.99 The reason for a condition in relation to a scheme of tree protection measures would be to protect and avoid damage which will lead to loss of trees or hedgerows that contribute to the visual amenity of the locality. This is to ensure the development proposal, in terms of trees and or hedgerows, is in accordance with DP37 of the District Plan. Given that this condition would be part of any planning permission, it is considered that there will be measures in place to protect the Beech and Oak tree and other category c trees. This together with the landscaping proposals is considered to be satisfactory in terms of maintaining the visual amenity of the area.

12.100 As such, it is considered that the proposed development complies with policy DP37 of the District Plan.

Ashdown Forest

12.101 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).

12.102 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.

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

Recreational disturbance

- 12.104 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.
- 12.105 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.
- 12.106 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

- 12.107 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.
- 12.108 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

- 12.109 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.
- 12.110 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.111 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

- 12.112 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.
- 12.113 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)'.

12.114 The application form confirms that BNG is a requirement of the proposed development.

12.115 The application is accompanied by a BNG report (Environmental Assessment Services Ltd 13/08/2025) and BNG Statutory Metric calculations. The report concludes that:

'The redevelopment of the site, as proposed, will result in a loss of 0.01 units (-11.34 %) habitat units. There are no existing linear features on site. Additional offsite habitat creation / enhancement will be required in order to deliver 10 % biodiversity net gain (0.03 units).'

12.116 In addition, the report sets out that ecological functionality will be maintained following the development of the site.

12.117 The Council's Ecology Consultant has advised that satisfactory information has been submitted with the application, and a biodiversity gain plan can be submitted prior to commencement as well as a habitat management and monitoring plan for all off site enhancements.

12.118 This is considered to be acceptable in terms of BNG and Policy DP38 of the District Plan.

13.0 Planning Balance and Conclusion

13.1 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 Hassocks Neighbourhood Plan.

13.2 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP13, DP17, DP21, DP26, DP27, DP29, DP37, DP38 and Neighbourhood Plan policies 1, 4, 5, 9 and 14. There is no coalescence resulting from the proposed development and it does seek to protect and maintain the separate identities of settlements.

13.3 Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP4, DP6 and DP15 of the District Plan. There is partial conflict with policy DP12, but the proposal does maintain the quality of the landscape character.

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

13.5 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.

- 13.6 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.
- 13.7 When undertaking the balancing exercise the following benefits, harm and neutral impacts are as follows:
- 13.8 The construction of development will provide local jobs and employment opportunities which is a positive economic impact.
- 13.9 Socially, the provision of two new dwellings which will bring about positive impacts to the local community.
- 13.10 From an environmental view, the proposed development is sustainably located within close proximity to facilities, services and public transport. In design terms it is considered to be of sustainable design and construction, seeking to minimise energy use and using renewable sources of energy. This is all positive in the planning balance.
- 13.11 While the proposal conflicts with some policies in the development plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that, while this application is only proposing two dwellings, it would still contribute to the Council's much needed housing supply and make effective use of the land. 42 Hurst Road is a larger plot than those within the vicinity and has capacity to be subdivided in the arrangement proposed.
- 13.12 The neutral impacts relate to design, residential amenity, transport, drainage, ecology, trees, impact on Ashdown Forest and BNG.
- 13.13 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 13.14 In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome the proposal's conflict with the development plan.
- 13.15 There are no other material considerations that would alter the above planning balance.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. No development shall be carried out until a schedule and/or samples of materials and finishes to be used for the external walls and roofs of the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan and Policy 9 of the Hassocks Neighbourhood Plan.

4. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No buildings shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan (2014 - 2031).

5. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to comply with Policy DP21 of the Mid Sussex District Plan (2014 - 2031).

6. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with Policy DP21 of the Mid Sussex District Plan (2014 - 2031).

7. Notwithstanding the Tree Protection Plan dated 12/09/2023 and 09/04/2024 and addendum dated 18/07/2025, prior to commencement of the development hereby approved, a scheme of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the no dig surfacing required to protect the retained trees, including cross-sectional drawings, drawings denoting areas for storage of materials during construction and details of arboricultural supervision throughout the construction period. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To protect and avoid damage which will lead to loss of trees or hedgerows that contribute to the visual amenity of the locality. This is to ensure the development proposal,

in terms of trees and or hedgerows, is in accordance with DP37 of the District Plan and Policy 9 of the Neighbourhood Plan.

8. Prior to occupation full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These and these works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031.

9. Archaeological Evaluation

(i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in (i) above, and any subsequent mitigation has been agreed.

(iii) The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

Reason: The site is of archaeological significance, and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

10. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (EAS Ltd., November 2024) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the non-licensed Precautionary Method Statement for bats in Section 4.5, the non-licensed Precautionary Method Statement for Hazel Dormouse in Section 4.7 and the Precautionary Method Statement for reptiles and mobile protected species in Sections 4.3 and 4.6 of the Preliminary Ecological Appraisal (EAS Ltd., November 2024)). This avoids impacts on European Protected Species and protected species.

This will include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECOW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (as amended).

11. Prior to works above slab level, a Biodiversity Enhancement Layout for biodiversity enhancements listed in the Preliminary Ecological Appraisal (EAS Ltd, November 2024) shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Layout shall include the following:
a) detailed designs or product descriptions for biodiversity enhancements; and
b) locations, orientations and heights for biodiversity enhancements on appropriate drawings.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of the NPPF 2024 and s40 of the NERC Act 2006 (as amended).

12. Works of demolition, construction, deliveries and waste collections during the construction phase shall be limited to the following times:

- o Monday to Friday: 08:00 - 18:00 Hours
- o Saturday: 09:00 - 13:00 Hours
- o Sundays and Bank/Public Holidays: no work permitted

Reason: To protect residential amenity in accordance with policy DP26 of the Mid Sussex District Plan 2014-2031.

13. No development above slab level shall take place until details of the proposed PV panels and ground/air source heat pump(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure that this is a sustainable development and to achieve a well designed building and to comply with policies DP26 and DP39 in the Mid Sussex District Plan 2014-2031.

14. The western side of the proposed planter at first floor shall be at least 1.8m tall and maintained as such thereafter, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of protecting neighbouring amenity in accordance with policy DP26 of the Mid Sussex District Plan 2014-2031 and policy H9 of the Neighbourhood Plan.

15. The proposed development shall not commence until a scheme for the protection of the existing neighbouring properties from dust during the implementation phase has been submitted to, and approved in writing by, the local planning authority. The scheme as approved shall be operated at all times during the demolition, construction and soil movement activities to implement the development.

Reason: To protect residential amenity in accordance with policy DP26 of the Mid Sussex District Plan 2014-2031.

16. The boundary treatment along the western perimeter of the application site shall be implemented in accordance with the landscaping note on the amended proposed site plan, drawing number 1684 3.002 Rev C and shall thereafter be maintained.

Reason: To protect the residential amenity in accordance with Policy DP26 of the Mid Sussex District Plan and Policy 9 of the Neighbourhood Plan.

17. Upon completion of slab level, details of any external lighting to be installed shall be submitted to and approved by the planning authority and thereafter maintained.

Reason: In the interests of protecting residential amenity in accordance with Policy DP26 of the Mid Sussex District Plan and Policy 9 of the Neighbourhood Plan.

18. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to throughout the construction period. The Construction Management Plan shall provide and give details for:
- a timetable for the commencement, construction, occupation and completion of the development
 - the anticipated number, frequency and types of vehicles used during construction
 - the method of access and routing of vehicles during construction and directional signage for the purposes of such
 - the siting and layout of site compounds and welfare facilities for construction workers
 - the provision of parking of vehicles by site operatives and visitors
 - the provision for the loading and unloading of plant, materials and removal of waste
 - the provision for the storage of plant and materials used in construction of the development
 - the design, erection and maintenance of security hoardings and other measures related to site health and safety
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway, including the provision of temporary Traffic Regulation Orders
 - a scheme to protect existing neighbouring properties from dust and noise emissions
 - a noise management plan, to include consideration of vibration from construction work including the compacting of ground
 - measures to deal with surface water run-off from the site during construction
 - a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete
 - contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: To allow the Local Planning Authority to control in detail the implementation of the permission and to safeguard the safety and amenities of nearby residents and surrounding highways and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 9 of the Neighbourhood Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling house, whether or not consisting of an addition or alteration to its roof, nor any other alteration to its roof, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling house) without the specific grant of planning permission from the Local Planning Authority.

Reason: To prevent the over development of the site and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and Policy 9 of the Neighbourhood Plan.

Biodiversity Net Gain

1. This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs, Saturdays 0900 - 1300 hrs, No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

2. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
4. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service:

developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-chargingarrangements
5. The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted because the highway license process considers wider factors than are considered by the Highway Authority at planning stage.

Additional information about the licence application process can be found at the following web page:

<http://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-orvehicle-crossovers-for-driveways-licence/>

6. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly

obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Proposed Site Plan	1684 3.002	C	28.04.2026
Proposed Floor Plans	1684 3.003	C	28.04.2026
Sections	1684 3.004	B	28.04.2026
Sections	1684 3.005	B	28.04.2026
Street Scene	1684 3.006	B	28.04.2026
Proposed Floor and Elevations Plan	1684 3.008	C	28.04.2026
Location Plan	1684 3.001	B	28.04.2026
Block Plan	1684 3.001	B	28.04.2026
Heritage Statement	-	-	03.11.2025
Proposed Block Plan	3001	B	26.01.2026
Proposed Site Plan	3002	C	26.01.2026
Existing Block Plan	1001	B	26.01.2026
Existing Site Plan	1002	B	26.01.2026
Design and Access Statement	1684	B	15.10.2025
Existing Floor Plans	1684 1.002	A	15.10.2025
Existing Elevations	1684 1.003	-	15.10.2025
Photographs	1684 1.004	-	15.10.2025
Photographs	1684 1.005	-	15.10.2025
Illustration	1684 3.009	B	15.10.2025
Proposed Floor Plans	1684 3.103	-	15.10.2025
Proposed Elevations	1684 3.105	B	15.10.2025
Topographical Survey	RMS1242-01	-	15.10.2025