

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2373	Case Officer:	Katherine Williams
Application Type:	Outline Application		
Proposal:	Outline planning permission with all matters reserved for the construction of four detached dwellings with garages.		
Site:	6 Highfields, Brighton Road, Warninglid, Haywards Heath, West Sussex, RH17 5SY, ,		
Validation Date	18 Sep 2025	Overall Expiry Date:	14 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	12 Nov 2025
Target Date:	13 Nov 2025	Recommending Officer Signature:	<i>Katherine Williams</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	13 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2373

**6 Highfields, Brighton Road, Warninglid, Haywards Heath, West Sussex, RH17 5SY,
Outline planning permission with all matters reserved for the construction of four detached dwellings with garages.**

Mr Haynes

SUMMARY OF REPRESENTATIONS

A letter of representation from No. 9a Silverbirch, Highfields, who raise the following concerns:

- Overdevelopment on the site
- Increased traffic along the single track, would require an increased width for fire services
- limited visibility to reverse onto the track
- Timber cladding would be more keeping with the area than render

SUMMARY OF CONSULTEES

Nature Space - No objection, recommend condition
Ecologist - No objection, recommend conditions
MSDC Planning Policy Team - information regarding principle
Southern Water - Insufficient information provided
Environmental Health - concerns raised
WSCC Highways Authority - No objection
Flood Risk and Drainage Team - Insufficient information
MSDC Street Naming and Numbering - Informative requested

TOWN/PARISH COUNCIL OBSERVATIONS

Objection:

The proposed development conflicts with the provisions of Policies DP16 and DP26 of the District Plan and Policy AS3 of the Ansty, Staplefield and Brook Street Neighbourhood Plan and paragraph 189 of the NPPF framework.

The proposed doesn't agree with the countryside constraints where no special justification is applicable for the construction of dwellings, and the location and proposed land use is contrary to policies DP12 and DP15 of the District Plan.

The proposal conflicts with the provisions of Policies DP4, DP6, DP12 and DP15 of the District Plan and the adverse impacts of the development would significantly and demonstrably outweigh any perceived benefits when assessed against the policies in the NPPF.

The proposal fails to conserve or enhance the High Weald Area of Outstanding Natural Beauty, fails to protect the intrinsic character and beauty of the countryside and doesn't hit the biodiversity quota.

INTRODUCTION

The application seeks outline planning permission with all matters reserved for the construction of four detached dwellings with garages.

RELEVANT PLANNING HISTORY

DM/25/0761 - Proposed creation of a new vehicular access to serve 6, 9 and 10 Highfields. Granted

DM/16/1291 - Erection of an additional detached dwelling with detached garage. Refused (Dismissed at Appeal)

SITE AND SURROUNDINGS

The site is located off eastern side of Brighton Road, within the countryside and High Weald AONB National Landscape.

The site is positioned within a wider group of dwellings off the eastern side of Brighton Road which are of varying designs and forms and largely obscured from view by mature from boundary hedging and trees. To the western side of Brighton Road runs parallel with the A23. The site is located to the rear of No. 6 Highfields, and partly forms part of the rear garden of this neighbouring property, with an existing access track that extends around the northern side of the property and onto the highway. The rear part of the site forms part of a safeguarded Gypsy and Traveller Safeguarded Site, which currently consists of 3 permanent single storey properties which are occupied by those of Gypsy and Traveller heritage, with a fourth granted permission.

The land to the rear of No. 6 Highfields is at a significantly higher ground level with the existing close boarded face of the property positioned on the higher ground level with the ground level of the garden significantly lowered with steep slopes. No.s 4 and 5 Highfields are also positioned at a lower ground level than the site.

The portion of the site outside the curtilage of No. 6 Highfields currently consists of scrub and inaccessible due to the density of the plants.

There is a previous appeal on the site for 1 No. dwelling on the rear garden of No. 6 Highfields which was dismissed. In terms of the location of the proposed dwelling the inspector made the following comments (AP/16/0077):

'The Framework explains that new isolated homes in the countryside should be avoided unless there are special circumstances. Here, 'isolated' can be taken to mean remote from local shops and services. Due to its rural location, the site is more than a couple of miles from convenience shops and services at, say, Handcross and Cuckfield, and further still from the town centre of Haywards Heath. The sole access to the site would be from Brighton Road, which runs close by and roughly parallel to the busy A23 dual carriageway. Most connecting roads to nearby settlements lack street lighting and footpaths in part. So, for a family with children, walking or cycling would not be a safe or attractive prospect, especially during inclement weather or after dark.

The developing nearby cycle way offers little travel choice, and the infrequent daytime bus services to some towns, with fewer evening and Sunday services, would be inconvenient for most day to day needs. So, whilst the dwelling would be close to existing dwellings, and there are a few sustainable travel options, the likelihood is that the future occupiers would be reliant on travel by private car to meet their reasonable travel needs.

...

I consider that the future occupiers of the proposal would not have reasonable access to local shops and services by means other than the private car. It would be contrary to LP Policy C1, LP Policy T4 which seeks to minimise the increase in private car trips, LP policy H11 which seeks to permit necessary rural workers' dwellings, and the Framework which aims to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, as well as ELP Policies DP1 and DP13, and ENP Policy AS1.'

There have also been similar appeals at Graftons, Brighton Road to the north of the site for an additional dwelling. The inspectors made the following comments regarding the location of the site under the last appeal (AP/23/0024):

"The main parties agree that the development would be located in the countryside. Therefore, the suitability of the location for a residential dwelling should be considered in respect of access to local services and facilities.

As such, while there is a limited number of services and facilities in Warninglid and Cuckfield relatively nearby, including a convenience store/petrol station and a farm shop available to the future occupiers of the proposal, there is a more attractive range of day-to-day services, such as larger shops, schools, restaurants, public-houses and leisure facilities, as well as a train station and greater employment opportunities in Burgess Hill, which is somewhat further afield. However, without linking or predominantly lit pavements and lit cycle routes, or a regular bus service, these services are likely to be accessed using a private motor vehicle, particularly at times of the year when the weather is less clement.

I conclude therefore, that the proposal is likely to generate additional journeys to Warninglid, Cuckfield, and the wider area, and because the specific features of the rural-type lane it would inevitably result on a dependency on a private motor vehicle in respect of access to the day-to-day services offered in those and other locations. Provision of electric vehicle points would not be adequate mitigation.

...

It follows then, that the proposal would be contrary to Policy DP21 of the MSDP, and for similar reasons the proposal does not meet the aims of Paragraph 130 (f) of the Framework which says development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

APPLICATION DETAILS

An outline application has been submitted for the erection of four detached dwellings with garages with all matters reserved.

The submitted information shows indicative layout and streetscene of the proposal, with two properties facing onto the access track with two properties to the rear. Unit 1 would have parking and garaging directly off the access track with the other properties benefiting from parking and garaging located to the rear of Unit 2 and to the front of Units 3 and 4. The dwellings are shown to be of two designs both symmetrical in appearance with central front canopies and pitched roofs. The dwellings would be constructed in render, portions of brick and timber cladding.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

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

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

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

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

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

National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

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

Relevant policies:

DP4 - Housing

DP5 - Planning to Meet Future Housing Need

DP6 - Settlement Hierarchy

DP12 - Protection and Enhancement of Countryside

DP15 - New Homes in the Countryside

DP16 - High Weald Area of Outstanding Natural Beauty

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

DP21 - Transport

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP28 - Accessibility

DP29 - Noise, Air and Light Pollution

DP33 - Gypsy, Traveller and Travelling Showpeople

DP38 - Biodiversity

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

DP42 - Water Infrastructure and the Water Environment

Site Allocations DPD

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

No relevant policies.

Ansty, Staplefield and Brook Street Neighbourhood Plan

The Ansty, Staplefield and Brook Street Neighbourhood Plan was made in February 2017.

Relevant policies:

AS1 - New Housing Development

AS3 - High Weald Area of Outstanding Natural Beauty

AS4 - Housing Mix

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Other Material Considerations

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

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

Relevant policies:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPS4 - Flood Risk and Drainage
DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN2 - Biodiversity Net Gain
DPN7 - Noise Impacts
DPC1 - Protection and Enhancement of the Countryside
DPC3 - New Homes in the Countryside
DPC4 - High Weald Area of Outstanding Natural Beauty
DPB1 - Character and Design
DPT1 - Placemaking and Connectivity
DPT4 - Parking and Electric Vehicle Charging Infrastructure
DPH1 - Housing
DPH2 - Sustainable Development - Outside the Built-up Area
DPH5 - Gypsies, Travellers and Travelling Showpeople
DPH7 - Housing Mix
DPH11 - Dwelling Space Standards
DPH12 - Accessibility

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

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

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

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

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

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

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

National Planning Policy Guidance (Where being referred too)

National Design Guide

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

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

Technical Housing Standards

ASSESSMENT

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

- Principle
- Impact on Gypsy and Traveller Site
- Impact on the High Weald AONB
- Highways, Access and Parking
- Impact on Residential Amenity
- Flood Risk and Drainage
- Ecology
- Sustainability
- Ashdown Forest
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle

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

In terms of policy designations, the starting point for this assessment is that the application site falls within the countryside and a significant distance from the built-up area of Warninglid and Cuckfield as defined by the District Plan.

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.

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.'*

The proposed residential development does not meet any of these criteria.

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

Policy AS1 of the Ansty, Staplefield and Brook Street Neighbourhood Plan states:

'The Ansty, Staplefield and Brook Street Neighbourhood Plan area is subject to significant environmental constraints and as a result new housing should be focused within the Development Boundary of Ansty as identified in the proposal map. Other proposals for small scale housing development of up to 10 units, to meet identified local need will only be permitted subject to the criteria below and compliance with other policies within the plan, in particular AS2 and AS3:

- a) The proposed development contributes to sustainable development;*
- b) Any application is supported by assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*
- c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network.*
- d) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate) to meet local housing need.*

All other development proposals outside the Ansty Development Boundary will not be permitted unless:

- o They comply with the countryside policies of the Mid Sussex Local Plan 2004 or the Mid Sussex District Plan once it is adopted; Or*
- o They relate to necessary utilities infrastructure where no reasonable alternative location is available.'*

The proposed residential development does not meet any of these special justifications.

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. 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.

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

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

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

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

'For decision-taking this means;

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

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

i. The application of policies within this Framework that protect areas 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.'

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

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

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

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance.

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

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

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the

Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.

Policy AS1 of the Ansty, Staplefield and Brook Street Neighbourhood relates to the supply of housing and includes consideration as to whether the proposal contributes to sustainable development, assessment of the environmental and visual impact of the proposal, impact of the proposal upon the local highway network and mix of tenure types proposed. As such, these policies can be given moderate weight in the determination of the application.

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

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

Assessment

Impact on Landscape and the High Weald AONB

One of the objectives of achieving sustainable development is to ensure that proposals '*contribute to protecting and enhancing our natural, built and historic environment*' (para 8, NPPF).

The site falls outside of the built-up area (within the countryside). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area. Policy DP12 of the District Plan in part requires proposals to '*maintains or where possible enhances the quality of the rural and landscape character of the District*'.

Para 187 of the NPPF requires proposals to contribute to and enhance the natural and local environment by '*recognising the intrinsic character and beauty of the countryside*'. It's important to note that the site and the surrounding landscape do not fall within any national designation.

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

Mid Sussex District Plan policy DP16 states:

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

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

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

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

Policy AS3 of the Ansty, Staplefield and Brook Street Neighbourhood Plan echoes the ethos of this policy.

Paragraphs 189 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'

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

A previous appeal for one dwelling to the rear of No. 6 Highfields was previously refused in part due to the impact on the countryside and the AONB landscape (AP/16/0077), the inspector stated:

Due to its siting, the replacement dwelling at Highfields is partly shielded by the rising landform, so it has little visual impact in the rural scene to the east of the site. By contrast, the proposal would be harmfully intrusive due to its scale and siting at the upper end of the garden. As the proposal would also look squeezed-in on its modest plot and its sprawling drive would erode the existing garden, its built-up form would be harmfully at odds with the rural landscape. It would unacceptably erode the important garden that provides an open setting for the replacement dwelling.

As the openness in the existing garden respects the open character of the adjoining countryside, there is no need to 'round off' the present sporadic pattern of dwellings. The bund by the back of the site and proposed planting would not overcome the loss of important openness. The development would not be readily seen from the public domain. However, that would not be a good reason to allow this damaging scheme, as that argument could be repeated too often to the detriment of the countryside, and it would be seen from its surroundings in any case. So, the loss of openness in the present garden would harmfully erode the character of the rural area, and the built-up appearance of the proposal, including its drive and turning area, would harm its appearance. Thus, the scheme would harm the intrinsic character and beauty of the countryside, and it would harmfully fail to conserve or enhance the landscape or the scenic beauty of the Area of Outstanding Natural Beauty.'

The proposal relates to the erection of 4 No. dwellings to the rear of No. 6 Highfields, which due to the existing slope of the land and the elevated position of the land to the rear of the existing dwelling the proposal would be highly visible from Brighton Road and the A23. In addition to this, the proposal would also result in significant land level changes to increase the height of the land which currently forms part of the garden of No. 6 to enable it to be of the same level as the rest of the site. This would increase the prominence of the proposal within the local landscape which would be compounded by the white render proposed for units 1 and 2, although it is noted that this could itself be addressed at reserved matters stage.

The size of the site in combination with the scale and number of units proposal would give the site and cramped urban appearance which would detract from the existing comparatively open character of the site.

It is noted that to the rear of the site are properties occupied by those of gypsy and traveller heritage and that the site is enclosed by existing built form. However, these properties are single storey in nature and far less prominent within the landscape.

It is therefore considered that the proposal would harm the intrinsic character and beauty of the countryside and would fail to conserve or enhance the landscape or the scenic beauty of the AONB National Landscape.

Impact on Gypsy and Traveller Site

Policy DP33 of the Mid Sussex District Plan in part states:

'The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not identify any need for permanent pitches and plots for Gypsies and Travellers and Travelling Showpeople who still travel for the period up to 2031.

The Assessment identifies the need to accommodate 23 households for settled Gypsies and Travellers for the period up to 2031 and does not identify any need to provide sites for Travelling Showpeople who no longer travel.

To ensure that a sufficient amount of permanent culturally suitable housing for settled Gypsies, Travellers and Travelling Showpeople is delivered to meet identified needs within an appropriate timescale, the Council makes provision for:

- *the allocation of pitches within the strategic allocation to the north and north-west of Burgess Hill or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP9: Strategic Allocation to the north and north-west of Burgess Hill refers);*
- *the allocation of pitches within the strategic allocation to the east of Pease Pottage; or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP10: Strategic Allocation to the east of Pease Pottage refers);*
- *the allocation of pitches within the strategic allocation to the north of Clayton Mills, Hassocks; or the provision of an equivalent financial contribution towards the off-site provision of pitches if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale (Policy DP11: Strategic Allocation to the north of Clayton Mills, Hassocks refers); and*
- *the provision of such pitches on strategic sites (Policy DP30: Housing Mix refers) The Council is progressing a Traveller Sites Allocations Development Plan Document to allocate further sites over the Plan period as required.*

The provision of permanent accommodation to meet the changing needs of current and future Gypsy and Traveller and Travelling Showperson households will be monitored to ensure a suitable supply of such sites is provided at the appropriate time.

The Mid Sussex Gypsy and Traveller and Travelling Showpeople Assessment does not indicate a need to consider transit provision at this time as there is an operational public transit site in Chichester. Levels of unauthorised encampments in Mid Sussex by Gypsies and Travellers and Travelling Showpeople will be monitored over the plan period to identify any additional requirement for such provision.

Existing Traveller sites will be safeguarded for Gypsy and Traveller use at:

- *Fairplace Hill Caravan Site, Burgess Hill*
- *Bedelands Caravan Site, Burgess Hill*
- *Horsgate Caravan Site, Cuckfield*

- *Walstead Caravan Site, near Lindfield*
- *Highfields, near Warninglid*
- *Pitts Head (Woodside Park), near Warninglid*
- *Marigold Farm Caravan Site, near Ansty*

Planning permission will not be granted for an alternative use on a safeguarded site unless an alternative, replacement site has been identified and developed to provide facilities of an equivalent or improved standard (including its location) whilst there remains a need for such sites as evidenced by the Gypsy and Traveller Accommodation Assessment or the best available evidence.'

The site extends into the Highfields safeguarded Gypsy and Traveller site, which continues to the east. The Planning Policy Team have been consulted on the application and has provided the following comments:

'No evidence has been submitted to demonstrate that the site (or at least the area relevant to the application proposal) is no longer needed for Gypsy and Traveller use, or that a suitable alternative is available to replace the equivalent area that would be lost in the event the four dwellings were approved.'

The Council's latest evidence (Mid Sussex Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2022)) identifies a need for a minimum 16 net permanent pitches between 2021 to 2038. Once commitments are taken into account, there is a residual need for three permanent pitches. It is therefore prudent to continue to safeguard these sites for Gypsy and Traveller use.'

No information has been submitted to demonstrate that this area is no longer needed for Gypsy and Traveller use, nor is a suitable alternative available.

In response to this the agent has stated that then the land was purchased by the applicant there was no restricted used of the land. They also raise that this was not a consideration raised under application 09/01523/FUL for bunds around the site. However, this permission pre-dates the Mid Sussex District Plan and the site being safeguarded as a Gypsy and Traveller Site. It is therefore considered that this previous permission and land ownership does not justify the loss of part of the safeguarded site.

It is therefore considered that proposal would result in the loss of part of a safeguarded Gypsy and Traveller site contrary to policy DP33 of the Mid Sussex District Plan.

Sustainable Location of Site

The accessibility of the site, or the sustainable location of it, is a key consideration. The NPPF, as set out in paragraph 110, states that:

'The planning system should actively manage patterns of growth in support of these Objectives (as set out in para 109). Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.

The previous dismissed appeal (AP/16/0077) acknowledged the rural location of the site and that it would be at least a couple of miles from convenience shops and services and further still from settlements with a wider range of services. The access to the site is solely by Brighton Road with most connecting roads to nearby settlements lacking street lights and footpaths resulting in the proposal having a reliance on private motor vehicles. It was then concluded that the proposal would not have reasonable access to local shops and services by means other than the private car. A similar conclusion was made at a neighbouring site, at Graftons, Brighton Road (AP/23/0024).

It is noted that the number of buses to the closest bus stop on the A23 have increased following the previous 2016 appeal, however it is not considered that the number and frequency of buses to this bus

stop throughout the week would make the site sustainably located nor does the provision of EV charges or cycle storage.

There has been no material change in circumstances following these previous appeals and it is therefore considered that the proposal would have a heavy reliance on private cars and would be unsustainably located, contrary to policy DP21 of the District Plan and paragraph 110 of the NPPF.

Highways, Access and Parking

Policy DP21 of the District Plan relates to transport and in part requires proposals to provide adequate parking.

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

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

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 116 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

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

'This application is outline with all matters reserved for the construction of four detached dwellings. The site is located off Brighton Road, an unclassified road subject to national speed limit.

Access is a reserved matter, although the indicative plans suggest access will be achieved utilising the approved access on Brighton Road. WSCC as Local Highway Authority (LHA) assessed and approved this access for application DM/25/0761. Its use for four additional dwellings would be considered acceptable by the LHA.

A shared driveway will connect the maintained highway to the application site. Having inspected the submitted plan, this shared driveway appears of suitable width for two cars to pass one another. The applicant is advised to demonstrate that refuse vehicles and fire appliances can access and egress the site safely using this shared driveway at reserved matters stage.

Whilst a reserved matter, the indicative plans demonstrate the internal site layout. In principle, the site layout as shown on the plans appears acceptable, although the LHA would request that on-site turning be demonstrated at reserved matters stage. Car and cycle parking provision should also be demonstrated in accordance with WSCC Parking Standards.

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

Given these comments it is considered that the proposal would meet the relevant requirements of policy DP21 of the Mid Sussex District Plan and the NPPF in terms of highway safety and transport grounds.

Impact on Residential Amenity

Policy DP26 of the Mid Sussex District Plan states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

As this application only seeks permission for the principle of the development and the means of access it is difficult to examine relationships with existing residents at this stage.

However, from the indicative plans provided and having visited the site, it is considered that the position of the Units 1 and 3 to the western boundary of the site and their elevated ground levels adjacent to No. 4 Highfields is considered to result in significant harm to the amenities of these neighbour properties by a loss of outlook and an overbearing impact which would result in a loss of privacy. In addition to this Unit 1 would also result in overlooking and loss of privacy to No. 5 Highfields due to the shallow depth of the garden and the differing land levels. This was also raised an impact under appeal AP/16/0077.

It is noted that this application is for an outline scheme with the appearance, layout and scale of the units not being considered, however given the elevated position of the site and its restrictive size in relation to the number of units proposal it is considered that significant harm would be caused to the amenities of these neighbouring properties.

Policy DP29 of the Mid Sussex District Plan in part relates to noise and states:

'Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*

- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, 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 the development.

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*

- *an assessment of the effect of noise by an existing noise source upon a proposed development;'*

Environmental Health have been consulted on the application and has provided the following comments:

'I have reviewed the acoustic report submitted in support of the planning application.

While I would not raise concerns with the technical accuracy of the report, I do question whether the proposal fully aligns with the principles of good acoustic design as set out in ProPG: Planning and Noise (2017). I acknowledge that the dwellings will be located close to the A23, and that this results in elevated noise levels at both the façades and within the external amenity areas. Although mitigation is proposed in the form of acoustic fencing and enhanced glazing, there is limited evidence that the layout and orientation of the dwellings have been optimised to reduce noise exposure through design.

ProPG encourages the use of site layout and building orientation as primary tools to mitigate noise before reliance on physical barriers or mechanical systems. In this case, the gardens are positioned in a way that leaves them exposed to road traffic noise, and the report does not indicate whether bedrooms have been located on the quieter façades. These are both key aspects of good acoustic design that could reduce the need for mechanical ventilation and help address overheating risks without compromising acoustic performance.

The overheating screening assessment identifies exceedances of Approved Document O criteria during the night-time period and recommends further assessment by a ventilation specialist. While this is appropriate, it is worth noting that the internal layout of the dwellings could be used to mitigate these risks. For example, placing bedrooms on the façade furthest from the A23 could reduce exposure to

night-time noise, at least in some of the properties and potentially allow for natural ventilation without breaching noise thresholds. This would be preferable to relying on mechanical systems, which may introduce additional complexity and cost.

If the applicant has considered these options and ruled them out, they should explain why. If they have not, then I would expect the layout to be revisited to explore whether the design could be improved to reduce reliance on mitigation and better protect both internal and external spaces from noise. This is particularly important given the exceedances identified in relation to Approved Document O and the potential implications for overheating and ventilation.

At this stage, I would recommend that the applicant either provides a formal Acoustic Design Statement in accordance with ProPG, setting out what options were considered in relation to the design and the noise environment, or revisits the layout to demonstrate how good acoustic design principles can be more effectively incorporated.'

Given that the proposal seeks outline permission it is considered that these matters can be addressed at reserved matters stage.

Flood Risk and Drainage

Policy DP41 of the Mid Sussex District Plan states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

Paragraph 181 of the NPPF in part states:

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

The Council's Flood Risk and Drainage Team have been consulted on the application, and have provided the following comments:

'The application is supported by a Surface Water Drainage Strategy which proposes an infiltration-based approach. However, our records indicate the site lies within an area of variable infiltration potential (low to high).

Given the scale of the proposed development, if infiltration is to be relied upon, infiltration testing in accordance with BRE365 and confirmation of groundwater depth are required at this stage of planning.

In addition, a Drainage Constraints Plan should be provided, clearly identifying areas where drainage features cannot be located (e.g. building offsets, boundaries, or similar constraints).

With respect to foul drainage, the applicant proposes a connection to the public foul sewer. Confirmation from Southern Water that a connection is acceptable, and that sufficient capacity exists within the receiving network, is also required at this stage.

Receipt of the requested additional information does not mean further information will not be requested, nor does it guarantee that the Flood Risk and Drainage Team will not object to the development. Neither does it prevent the team from recommending a flood risk or drainage condition.

Please note: For some reason, we are unable to view the consultee list. Southern Water will need to be consulted on this application if they have not already as some of our comments may change once they have commented.'

Southern Water have commented on the application and note that insufficient information has been provided in order for them to comment.

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

Ecology

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'

Paragraph 193 of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

The Council's Ecologist has been consulted on the application and has provided the following comments:

'We have reviewed the documents supplied by the applicant and note that no ecological information has been provided. As a result, we have conducted a desk study to confirm the likely impacts upon designated sites, protected and Priority species and habitats. This included a review of MAGIC Maps, NBN Atlas and satellite imagery.

The desk study concluded that there are no designated sites within 2km of the site and no Priority habitats on or adjacent to the site. There are five records of Hedgehog within 500m of the site.

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

We are satisfied that there is sufficient ecological information available to support determination of this application. This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats.

As no ecological information was provided, we recommend that an informative is secured as part of the decision notice, to minimise any impacts to mobile protected and Priority species.

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

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

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Please note we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the Nature Space Partnership.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.'

Nature Space have been consulted on the application, and raise no objection subject to condition.

It is therefore considered that the proposal is acceptable on ecology terms subject to conditions. It is therefore considered that this proposal would also comply with the aims of policy DP38 of the Mid Sussex Plan and the NPPF.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

Paragraph 161 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 166 states:

'In determining planning applications, local planning authorities should expect new development to:

- a) *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

An Energy Statement has been submitted with the application which states that the scheme proposes a number of energy efficiency measures to be incorporated within the development. This includes:

- High levels of in insulation
- Embodied carbon in proposed materials
- Recycled and reclaimed materials where possible
- Locally sourced materials
- Waste management plan for construction
- Air source heat pumps
- Energy efficient lighting

The proposal also provides sufficient space for cycle storage for the units along with EV charging points, which could also be obtained by condition. It is therefore considered that the proposal complies with policy DP39 of the Mid Sussex District Plan.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment

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

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

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

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless—

(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and

(b) the planning authority has approved the plan (see paragraph 15)'.

Other Matters

With the submitted information provided with the application reference has been made to a number of approved applications within the immediate locality. Application references DM/25/1513, DM/23/3133, DM/23/0218 and granted permission for single storey dwellings on the safeguarded Gypsy and Traveller site, which are for the occupation of those of Gypsy and traveller heritage and conditioned to remain for the occupation of people within this community.

Application DM/22/0954 for two caravan pitches for the occupation of Gypsy and Travellers and is also located on the safeguarded site and conditioned as such.

Outline consent was also previously granted (12/03825/OUT), for the replacement of two existing residential units/ structures with 3 single storey dwellings, which was also restricted to be occupied by Gypsy and Travellers and supported by the relevant planning policy at the time of consideration.

Application DM/16/0750 granted outline permission for the replacement of two existing residential structures with two detached dwellings, these were considered to be replacement dwellings which is supported by the development plan.

Notwithstanding, the above, each application is considered on its own merits and against the relevant policies of the development plan.

Planning Balance and Conclusion

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

The application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP4, DP5, DP6, DP12, DP15, DP16, DP21, DP26, DP33 and DP41 of the District Plan and Neighbourhood Plan policies AS1 and AS3 of the Ansty, Staplefield and Brook Street Neighbourhood Plan.

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

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF), unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed (footnote 7), which includes National Landscapes. Therefore the presumption in favour of sustainable development does not apply.

The proposal would provide of a net increase in 4 No. dwelling on the site, which will make a minor but positive contribution to the district's housing supply. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would have limited weight. The proposal would have a neutral effect in terms of highways and parking. For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP21 in terms of highway safety, DP29, DP38 and DP39.

Weighing against the scheme is the concerns regarding the cramped and urban which would fail to harm the intrinsic character and beauty of the countryside and would fail to conserve or enhance the landscape or the scenic beauty of the AONB National Landscape. The proposal would cause significant harm to the amenities of No.s 4 and 5 Highfields, loss of part of a safeguarded Gypsy and Traveller site, and the lack of information on flood risk and drainage of the development.

The proposal is considered to be contrary to DP4, DP5, DP6, DP12, DP15, DP16, DP21, DP26, DP33 and DP41 of the District Plan and Neighbourhood Plan policies AS1 and AS3 of the Ansty, Staplefield and Brook Street Neighbourhood Plan. There are no other material planning considerations to justify a decision otherwise than in accordance with the development plan. Therefore the application is recommended for refusal.

Decision: Refusal

Case Officer: Katherine Williams