

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1244	Case Officer:	Rachel Richardson
Application Type:	Full Application		
Proposal:	Construction of a detached bungalow on land adjacent to No. 2 Reservoir Place with access onto Lewes Road.		
Site:	Land Adj 2 Reservoir Place, Lewes Road, Ashurst Wood, East Grinstead, West Sussex, RH19 3TB, ,		
Validation Date	22 May 2025	Overall Expiry Date:	6 Oct 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	30 Sep 2026
Target Date:	17 Jul 2025	Recommending Officer Signature:	Rachel Richardson

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	8 Oct 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1244

**Land Adj 2 Reservoir Place, Lewes Road, Ashurst Wood, East Grinstead, West Sussex, RH19 3TB,
Construction of a detached bungalow on land adjacent to No. 2 Reservoir Place with access onto Lewes Road.
Mr S Weller**

SUMMARY OF REPRESENTATIONS

One letter of objection has been received from the occupants of Heatherlands. Their concerns are as follows:

- o It is not contiguous with the defined built-up area boundary nor is it an allocated site and it is contrary to DP6.
- o Limited amenity space for the future occupants due to a small garden area proposed
- o Harmful impact on the character and appearance of the area. The Ashurst Wood Character Assessment prepared for the Ashurst Wood Neighbourhood Plan describes the area as 'development is predominantly of detached dwellings which are set back from the road, set in substantial plots with front, side and rear gardens.'

SUMMARY OF CONSULTEES

Flood Risk and Drainage: No objection subject to a planning condition.

WSCC Highway Authority: Recommends conditions. No unacceptable highway impact in terms of safety and there are no transport grounds to resist this proposal.

NatureSpace Partnership: No comments. Unlikely to have a harmful impact on great crested newts.

Southern Water: Recommends an informative be added to any permission to advise the applicant that they need to submit details of foul sewerage and surface water disposal.

TOWN/PARISH COUNCIL OBSERVATIONS

Ashurst Wood Village Council: No objection.

INTRODUCTION

Permission is sought for construction of a detached bungalow on land adjacent to No. 2 Reservoir Place with access onto Lewes Road.

RELEVANT PLANNING HISTORY

09/02737/FUL - Conversion of redundant covered reservoir structure into two single dwellings with internal garages. Permission 27.10.2009

SITE AND SURROUNDINGS

The application site is a flat piece of land adjacent to a substation and flanked by detached two storey dwellings on the western side of Lewes Road in Ashurst Wood. There are also dwellings adjoining the rear boundary to the western side of the site. These were built in 2010 under the conversion of a

redundant covered reservoir structure (09/02737/FUL). The boundary is defined by a 2m high close boarded fence.

The surrounding area comprises substantial sized two storey detached houses of mixed character.

For the purposes of policy, the site lies within the countryside and within the High Weald National Landscape formally known as the High Weald Area of Outstanding Natural Beauty (AONB) as defined in the District and Neighbourhood Plan. It is also within the Ashdown Forest SPA zone of influence and is within a red zone for GCN's.

APPLICATION DETAILS

The application seeks permission for the construction of a two-bedroom detached bungalow as a self-build dwelling.

The bungalow has been designed with a contemporary style having a flat roof, central mono pitched feature, and timber and composite cladding with feature stonework on the front elevation and rendered to be painted white facing walls. Anthracite aluminium fenestration.

Parking is proposed in a single integral garage as well as a driveway to accommodate an additional 2 vehicles. Covered cycle storage is proposed in a shed in the garden area. A dedicated cycle hoop for cycle parking adjacent to the refuse area.

Access to the dwelling will be provided off Lewes Road.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

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

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

Mid Sussex District Plan

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

Relevant policies:

DP12 Protection and Enhancement of Countryside
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 Development Plan Document

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.

Ashurst Wood Neighbourhood Plan

The Ashurst Wood Neighbourhood Plan was made on the 30th June 2016 and forms part of the development plan. The relevant policies are considered to be:

ASW1 - Protection of the countryside
ASW14 - Design and Character
ASW20 - Impact of new development on traffic
ASW21 - Parking provision

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 is currently at Examination with initial hearings held in February/March 2026. The Council has consulted on Main Modifications which are required to ensure the plan is legally compliant and sound with further Hearings taking place in November 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:

DPS1 - Climate Change

DPS2: Sustainable Design and Construction
DPS4: Flood Risk and Sustainable Drainage
DPB1: Character and Design
DPC1: Protection and Enhancement of the Countryside
DPC3: New Homes in the Countryside
DPC4: High Weald Aerea of Outstanding Natural Beauty
DPC6: Ashdown Forest SPA and SAC
DPH2: Sustainable Development - Outside the Built-up Area
DPH11: Dwelling Space Standards
DPI1: Planning Obligations

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.'

High Weald AONB Management Plan 2024 - 2029

National Planning Policy Framework (NPPF) (August 2026)

The National Planning Policy Framework (NPPF) sets out the government's policies for plan-making and for making decisions on development proposals in England. Paragraph 15 states that the purpose of the planning system is to contribute to the achievement of sustainable development by managing the use and development of land in the long-term public interest. Paragraph 17 identifies the three overarching objectives of sustainable development, which are interdependent and should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across all three objectives. These are the economic, social and environmental objectives.

Paragraph 18 of the NPPF states:

'These objectives should be delivered through the preparation and implementation of development plans and the application of the policies in this Framework; they are not criteria against which every development proposal can or should be judged. Development plans 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.'

Policy S3 of the NPPF relates to the presumption in favour of sustainable development and states:

'1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

- a. Policy S4 in this Framework should be applied when considering development proposals within settlements;*
- b. Outside settlements, policy S5 should be applied; and*
- c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.'*

With specific reference to decision-taking, paragraph 3 confirms that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise, with the national decision-making policies of the Framework being an important material consideration in that process.

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.

ASSESSMENT

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

- o Principle
- o Design and Impact on the character and appearance of the area and the HW National Landscape
- o Self Build
- o Highways
- o Impact on Residential Amenity
- o Space Standards
- o Flood Risk and Drainage
- o Sustainability
- o Ashdown Forest
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Principle

In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Ashurst Wood as defined by the District and Neighbourhood Plans. As such the site is located within the defined countryside.

Policy DP12 of the District Plan refers to the protection of the countryside. Policy DP6 of the District Plan relates to settlement hierarchy. Policy DP15 of the District Plan relates to new homes in the countryside. In addition, policy ASW1 of the Neighbourhood Plan relates to the protection of the countryside. It is considered that these policies have very limited weight as they are materially inconsistent with the NPPF and greater weight should be given to Policy S5 of the NPPF which relates to the principle of development outside settlements.

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 must be taken into account in the determination of this application. This is confirmed by paragraphs 1 and 3 of the NPPF, with paragraph 1 stating that 'The National Planning Policy Framework sets out the government's policies for plan-making and for making decisions on development proposals in England. It is a material consideration of critical importance in both contexts.'

Annex A of the NPPF further confirms that development plan policies (or parts of those policies) which are materially inconsistent with the national decision-making policies in the Framework should be given very limited weight, unless they have been examined and adopted (or made) against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to publication of the Framework.

The presumption in favour of sustainable development is set out in Policy S3 which states that decisions on development proposals should apply a presumption in favour of sustainable development. This means:

'1. Policy S4 in this Framework should be applied when considering development proposals within settlements; 2. Outside settlements, policy S5 should be applied; and 3. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in the Framework should be approved without delay.'

For development proposals outside of settlements, National decision-making policy S5 in the NPPF states 'Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially

outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.'

It then goes on to list the type of development that should be approved outside settlements. This includes land limited infilling within groups of housing (S5e) and development which would address an unmet need, including where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (S5j).

Paragraph 2 of policy S5 states that *'In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.'*

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development set out in Policy S3. Where development accords with the relevant provisions of Policy S5, this weighs strongly in favour of granting planning permission. The Local Planning Authority must undertake an overall planning balance, assessing the benefits of the proposal against any adverse effects having regard to the national decision-making policies contained within the Framework as a whole.

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 that are materially inconsistent with the Framework should be afforded very limited weight, whilst policies that remain consistent with the Framework continue to attract significant weight irrespective of their age.

Therefore, the key tests that must be undertaken when assessing this application is set out within policies S3 and S5 of the NPPF.

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

Design and Impact on character of the HW National Landscape

One of the objectives of achieving sustainable development is to ensure that proposals *'protect and enhance our natural, built and historic environment'* (para 17, NPPF).

As 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. As set out above, policy DP12 of the District Plan and policy ASW1 of the Neighbourhood Plan are materially inconsistent with national decision-making policies and should be given very limited weight. Greater weight should therefore be given to the relevant national decision-making policies in the NPPF.

Policy N2 of the NPPF relates to improving the natural environment. Part 1a requires proposals to contribute positively to the natural environment and to *'Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced'*.

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

The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Policy DP16 of the District Plan relates to the High Weald AONB and requires proposals to 'conserve or enhance natural beauty'. This is considered to be inconsistent with NPPF and therefore has very limited weight and greater weight should therefore be given to the relevant national decision-making policies in the NPPF.

Policy N4 of the NPPF relates to protected landscapes states in part that:

'Development proposals within Protected Landscapes should be limited in scale and extent and sensitively located and designed to avoid harm to the statutory purposes and special qualities of the Protected Landscape. Substantial weight should be placed on the importance of conserving and enhancing the natural beauty of these areas'

Policy DP26 of the District Plan relates to character and design. In addition, policy ASW14 of the Neighbourhood Plan has a similar ethos. However, these are considered to have very limited weight as they are materially inconsistent with the NPPF and greater weight should be given to policy DP3 of the NPPF.

Policy DP3 of the NPPF sets out the key principles for well-designed places. This sets out in part that proposals should respond to their context, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

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

The character of the area comprises largely detached dwellings of mixed form and appearance, mainly set within spacious plots and well back from the frontage of Lewes Road. The site would sit in a gap alongside existing housing in the road.

The proposed dwelling would be set back from the frontage of the site and respect the established building line to the northwest in the street scene. The proposed dwelling is single storey and flat roofed so would not appear dominant in the street scene. A grassed area and driveway is also proposed at the front of the property.

In terms of its character and appearance, it has been designed with a contemporary appearance and a combination of timber/composite cladding, smooth render and stone facing. This would not detract from the character and appearance of the area. It would also be partially obscured from the street by the boundary fence. Materials can also be considered by way of a planning condition should permission be granted.

It is considered that the proposal would maintain the character of the countryside in this part of the district, conserves the High Weald National Landscape and would be acceptable in terms of design and impact on the character and appearance of the area. The proposal thereby complies with the design principles of the Mid Sussex Design Guide and policies DP16 and DP26 of the District Plan, Policies ASW1, ASW14 of the Neighbourhood Plan and DP3, N2 and N4 of the NPPF.

Self Build

Policy HO5 of the NPPF states that the development plan should set out policies to address the housing needs of different groups and HO5 ciii, states that sites should be identified for specific types of accommodation where there is an identified need and these include plots for self and custom build housing.

The proposed self and custom build plots would contribute to the Council's shortfall in supply and need, and this is considered positive in the planning balance.

Highways

Policy DP21 of the District Plan relates to transport. Policy ASW20 of the Neighbourhood Plan relates to the impact of new development on traffic. It is considered that these policies have very limited weight as they are materially inconsistent with the NPPF and greater weight should be given to policies TR3, TR4 and TR6 of the NPPF instead.

Policy TR3 of the NPPF relates to locating development in sustainable locations and sets a number of principles proposals should reflect. Section (e) of this policy sets out that *'In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.'*

Policy TR4 of the NPPF relates to street design, access and parking and sets out that to contribute to well-designed places, transport considerations should be integral to the design of the development. This should include giving priority first to walking, wheeling and cycle movements, both within the scheme and with neighbouring areas and also providing a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), and including adequate provision of spaces and infrastructure that allow for the charging of electric vehicles in safe, accessible and convenient locations.

Policy TR6 of the NPPF relates to assessing transport impacts and part 4 of this policy states that *'Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.'*

The proposed development is for one dwelling with 2 bedrooms. Access is from Lewes Road where there are existing houses with similar accesses. You can drive into and out of the site in forward gear and there is parking for at least 2 vehicles (including a garage).

The Local Highway Authority (LHA) has no objection to the proposed development. The application is supported by a Transport Statement.

The LHA is satisfied with the proposed access arrangement and does not consider that the nearby bus stop will restrict visibility. While the garage does not meet the minimum internal specification's for a single garage, the LHA is not insistent that this be amended because there is ample parking space within the site and on the driveway, to park 2 vehicles. Also, cycle parking provision is proposed elsewhere on the site.

The site is also recognised as being sustainably located and close to local services, accessible on foot or cycling. There is also a regular bus service on the Lewes Road.

As such the LHA is of the view that the proposal would not have an unacceptable impact on highway safety and there are no grounds to resist the proposal.

Consequently, the proposal is considered acceptable on highway safety and transport grounds and complies with the relevant policies in the development plan (DP21, ASW20 and ASW21) and the NPPF.

Residential Amenity

Policy DP26 in part seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. It is considered that this policy has very limited weight as it is materially inconsistent with the NPPF and greater weight should be given to policy P3 of the NPPF.

Policy P3 of the NPPF relates to living conditions and pollution. Part 2(b) of this policy requires proposals 'Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site'.

Chapter 8 of the Mid Sussex Design Guide relates to residential amenity. Principle DG45 requires proposals to demonstrate how privacy would be achieved between new and existing developments. Principle DG46 requires attractive and useable external amenity space for all homes. Principle DG47 requires all dwellings to have sufficient daylight and sunlight where single aspect north facing flats should be avoided.

The proposed development is a single storey dwelling which would not result in any overlooking or loss of privacy.

Furthermore, given the scale (single storey height), the proposal would not result in any overshadowing or loss of daylight/sunlight.

In terms of amenity space, the rear garden is modest in size but this is only a two bedroom property so is proportionate. The applicant wishes to occupy this property until they are elderly and therefore does not want to maintain a larger garden space. It is considered that the space around the garden is acceptable in policy terms. The existing development immediately to the rear (south and southwest) has a comparable layout.

The development at the rear also appears to be single storey so would not result in any overlooking/loss of privacy for the applicant. The existing dwelling flanking the site to the northwest (Danecourt) has a conservatory between the house and shared boundary and no first floor side windows that could result in overlooking/loss of privacy.

It is considered that the proposed development is therefore in accordance with policy DP26 in the District Plan and the relevant NPPF policies.

Space Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

Technical Nationally Described Housing Standards requires a 2 bedroom single storey house to have a minimum internal floor area of between 61sqm and 70sqm with 2 sqm of storage. The proposed dwelling will have an internal floor area of 167 sqm including storage and the garage area which more than meets minimum requirements.

As such, the application is over and above the minimum internal floor area required and complies with Technical Standards and DP27.

Flood risk and Drainage

Policy DP41 relates to flood risk and drainage. This policy has very limited weight as it is materially inconsistent with the NPPF and greater weight should be given to policies CC3 and F8 of the NPPF.

Policy CC3 of the NPPF relates to the adaptation to climate change and requires proposals to take into account the current and potential impacts of climate change over the lifetime of the scheme. In part this

requires proposals to be located where the risk of flooding is minimised and incorporate sustainable drainage systems to manage surface water flow rates and reduce volume of runoff.

Policy F8 of the NPPF relates to sustainable drainage systems and watercourses. Part 1 of this policy states 'Development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal.'

The site lies within Flood Zone 1 and is at a low-level risk of flooding.

The application is accompanied by a proposed drainage strategy and foul and surface water drainage report. The Council's flood risk and drainage consultants have raised no objection to the proposal and consider that the site can be drained using a sustainable infiltration-based drainage strategy, subject to detailed design.

As such, it is considered that the proposed development is in accordance with policy DP41 in the District Plan and the relevant policies in the NPPF in this regard.

Sustainability

Policy DP21 of the District Plan in part it requires schemes to be 'sustainably located to minimise the need for travel'. Policy DP39 of the District Plan relates to sustainable design and construction. Both these DP policies are considered to be materially inconsistent with national decision-making policies in the Framework and should be given very limited weight.

Policy CC2 of the NPPF relates to the mitigation of climate change. It sets out the requirements for proposal in order to contribute to climate change mitigation and the transition to net zero. This includes the prioritisation of sustainable patterns of movement and the use of design approaches to conserve energy and other resources.

The application is accompanied by a sustainability statement. It is the applicant's intention to run the property on a zero carbon energy efficiency basis and create energy to transfer back into the grid. The applicant's intention is to install 14 solar PV panels and 27 kw battery storage. The proposed ground floor plan also shows an air source heat pump.

At least one electric vehicle charging point will be installed at the front of the property.

The use of energy conscious design principles and a fabric first approach means that the building should remain energy efficient for its entire lifetime and the overall requirement for energy input is reduced for heating and hot water. The building will be designed to be airtight to reduce heat loss.

Water resource management has also been considered and is detailed in section 4 of the statement and the proposal seeks to minimise water consumption and introduce rainwater harvesting and the use of water meters.

The high levels of glazing will also allow for natural levels of light penetration.

In light of the above, it is considered that the proposal complies with policy DP39 in the District Plan and policy CC2 of the NPPF.

Ashdown Forest

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

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

A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

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

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

This planning application is within the 7km zone of influence and generates a net increase of one dwelling, and as such, mitigation is required.

An appropriate scale of SAMM mitigation for the proposed development is £1170, and if the approved scheme provides for a strategic SANG contribution, this would be £5253.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contributions for SAMM and SANG mitigation have been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

The Planning Obligation securing the SAMM and SANG contributions has been completed so it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and has no objection subject to securing appropriate mitigation.

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across

Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

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

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Biodiversity Net Gain

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

PLANNING BALANCE AND CONCLUSION

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

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

The NPPF states that planning should be genuinely plan-led.

Policy S3 of the NPPF relates to the presumption in favour of sustainable development and sets out that decisions should apply a presumption in favour of sustainable development.

Policy S5 of the NPPF relates to the principle of development outside settlements. It lists a number of reasons on the certain forms of development which should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies. Policy S5 (e and j) relates to limited infilling within groups of houses and where the LPA does not have a 5 year supply of deliverable housing sites. It is not considered that there are any adverse effects which would substantially outweigh the benefits of approving this scheme.

The proposal is of an appropriate design and scale which would not detract from, nor be prominent within its context/setting and the surrounding development. The proposal would form a sensitive addition in built form to Ashurst Wood which would maintain the character of the countryside and conserve the National Landscape in this part of the District.

It is considered acceptable and would not result in highway safety issues. There would be an acceptable access and level of on-site car parking to serve the development.

Due to the position of the dwelling and the relationship with surrounding residential properties, the proposal would not result in an unacceptable level of access to daylight and sunlight for neighbouring residents and the applicant or future occupiers.

In terms of the scheme's benefits, the proposal would result in a new dwelling which, albeit small, would contribute to the Council's housing land supply and make effective use of the land. The proposal is also a self-build dwelling for which there is a demand on the Councils register.

The construction of the development will likely provide some local jobs and employment opportunities which is also a positive economic impact and once occupied result in some spending (albeit limited) within the locality. From an environmental view, the proposed development is of a sustainable design and construction, seeking to minimise energy use and using renewable sources of energy.

The neutral impacts relate to highways, neighbouring amenities, impact on Ashdown Forest and drainage.

Whilst there would be a conflict with policy DP15 in the District Plan, it is considered that the application complies with the development plan when read as a whole. There are no other material considerations that would alter the above planning balance.

As such, the application is recommended for approval.

Decision: Permission

Case Officer: Rachel Richardson