

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/2018	Case Officer:	Stefan Galyas
Application Type:	Outline Application		
Proposal:	Outline application for the erection of one Self-build dwelling with all matters reserved except access.		
Site:	Graftons, Brighton Road, Warninglid, Haywards Heath, West Sussex, RH17 5SU, ,		
Validation Date	18 Aug 2026	Overall Expiry Date:	9 Sep 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	7 Oct 2026
Target Date:	13 Oct 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Steven King</i>	Date:	7 Oct 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/2018

Graftons, Brighton Road, Warninglid, Haywards Heath, West Sussex, RH17 5SU,
Outline application for the erection of one Self-build dwelling with all matters reserved except access.

Mr Simon Gould

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

WSCC Highways: *'The Local Highway Authority does not consider that this outline proposal for a single self-build dwelling would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network'*

MSDC Drainage: No objection.

MSDC Street Naming and Numbering: *'Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved.'*

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: *'Ansty and Staplefield Parish Council wish to object to this application on the grounds that the proposed development is located within an area of outstanding natural beauty, is not supported by the neighbourhood plan, and would constitute overdevelopment of the site.'*

INTRODUCTION

Outline planning permission is sought for the development of one self-build dwelling with all matters reserved apart from the access.

RELEVANT PLANNING HISTORY

DM/17/4312 - Erection of a detached dwelling with all matters reserved. Refused 14.12.2017.

APP/D3830/W/17/3192105 -Erection of a detached dwelling with all matters reserved. Dismissed.

DM/22/2204 - Outline application for the proposed erection of 1no. self-build dwelling, retention of existing vehicular access. All matters to be reserved apart from access. Refused 01.09.2022.

APP/D3830/W/23/3316817- Outline application for the proposed erection of 1no. self-build dwelling, retention of existing vehicular access. All matters to be reserved apart from access. Dismissed.

DM/23/1627 - The application is for use of the land for siting a mobile home for use incidental to the main dwelling and the proposed mobile home meets the definition of a caravan as set out in the Caravan Sites Act 1968, and as amended in October 2006 (CSA). Permission 02.08.2023.

SITE AND SURROUNDINGS

The application site is located to the southern side of the existing house at Graftons, Brighton Road and it forms the side garden of this residential property. The site is broadly rectangular in shape. The land slopes up to the east away from the highway and also away to the south.

To the north and east of the site is a residential cul-de-sac of Thorndean Drive comprising of detached dwellings. These are screened from the site of Graftons by dense and high vegetation as well as fencing on the boundaries.

There are trees along the southern border of the site where it adjoins Highfields where there is extensive planning history. A number of replacement dwellings have been constructed on this adjoining site.

To the west the Brighton Road runs parallel to the A23 in a north/south direction and contains a number of residential properties and a nursing home. There is vegetation screening the site in part from the highway.

In terms of planning policy, the site falls within the countryside as defined by the Mid Sussex District Plan and the Neighbourhood Plan. The site is also located within the High Weald National Landscapes (formerly Area of Outstanding Natural Beauty).

APPLICATION DETAILS

Outline permission is sought for the erection of one dwelling. Matters for consideration under this application are access, with all other matters (appearance, landscaping, layout and scale) being reserved.

The proposed block plan submitted with the application shows that the new dwelling would utilise the existing access and driveway of Graftons accessed from the Brighton 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) 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 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
DP29: Noise, Air and Light Pollution
DP30: Housing Mix
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.

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

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
DPN6 - Pollution
DPN7- Noise Impacts
DPB1 - Character and Design
DPC6: Ashdown Forest SPA and SAC
DPT4 - Parking and Electric Vehicle Charging Infrastructure
DPH1 - Housing
DPH7 - Housing Mix

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) (August 2026)

The National Planning Policy Framework (NPPF) 2026 is a material consideration. Policies S3, S5, N4, HO7, CC2, CC3, DP3, TR3, TR4, TR6, L2, P3 are relevant to this application.

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.'

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 Planning Policy Guidance

National Design Guide/Code

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

High Weald AONB Management Plan 2024-2029

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 Character and Appearance, Including the High Weald
- Impact on Neighbouring Amenities
- Sustainability

- Highways Impact
- Flood Risk and Drainage
- Self Build
- 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 outside and is not contiguous to any settlement boundary as defined within the Mid Sussex District Plan.

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.

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. The proposal does not meet all the criteria of policy DP12.

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 development does not meet all 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

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 SADPD, or the Neighbourhood Plan that would explicitly support the residential development of this site.

As the site is not allocated for residential development in the Development Plan, the application is in conflict with policies which are central to the principle of development at this location, and therefore it is

considered that the proposed development does not accord with the Development Plan, when read as a whole. 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. It is therefore necessary to consider other material planning considerations which outweigh this conflict with the development plan.

The Policies in the Development Plan that are materially inconsistent with the NPPF should be given very limited weight. Policies DP4 (Housing), DP6 (Settlement Hierarchy) and DP12 (Countryside) are relevant to this application. These policies are materially inconsistent with the NPPF and therefore should be accorded very limited weight. Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. This policy is materially inconsistent with the NPPF and therefore should be accorded very limited weight. Policy AS1 in the Neighbourhood Plan is materially inconsistent with the NPPF and therefore should be accorded very limited weight.

The presumption in favour of sustainable development is set out in Policy S3 of the NPPF 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 of 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 those types of development that should be approved outside settlements. One of the types of development that is considered to apply to the current submission is S5(1e) stating: *'Limited infilling within groups of houses'*

Furthermore, Policy S5(1,j) is also considered to apply which states:

'Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:

- i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure;'*

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.'*

While the Council has performed excellently in respect of housing delivery, the most up-to-date local housing need figure generated through the standard method exceeds the housing requirement contained within the adopted District Plan. As a consequence and having regard to the requirement to apply the appropriate buffer, the Council is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, in accordance with NPPF Policy S5 (1j), development which addresses an evidenced unmet need and would be physically well-related to an existing settlement 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 the NPPF.

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 NPPF 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 (LPA) 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.

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.

Impact on Character and Appearance, Including the High Weald

Policy DP26 of the District Plan relates to character and design. However, policy DP26 is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to Policy DP3 of the NPPF.

Policy DP3 of the NPPF in part states:

'To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location.

e. Built Form: use the pattern of buildings to define the arrangement of streets, squares and other spaces, promote compact forms of development to optimise the site's potential, distinguish between public and private areas, create focal points and, where appropriate, enhance views into and out of the scheme;

g. Identity: create visually attractive, distinctive and characterful development to establish or maintain a strong sense of place and pride, including through the use of a coherent palette of materials, design features and planting'.

Policy DP16 of the District Plan states that development within the High Weald National Landscapes to conserve or enhance the natural beauty of the area. A similar ethos is found in Policy AS3 of the Neighbourhood Plan. These policies are considered to have very limited weight as they are materially inconsistent with the NPPF, and greater weight should be given to Policy N4 of the NPPF.

With regard to proposed developments impact on National Landscapes and other protected landscapes, Policy N4 of the NPPF states 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, and to conserving and enhancing wildlife and cultural heritage in National Parks and the Broads.'

The legal framework for AONBs 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'*.

It is acknowledged that the application is in outline form only considering access with all other matters (appearance, landscaping, layout and scale) being reserved. The site is situated within an established side garden of Graftons and is quite well contained on three sides by existing vegetation. There are a number of dwellings forming scattered development along this side of Brighton Road.

In the determination of the previous refusal (reference DM/17/4312 and DM/22/2204), the Officers report set out that:

'Given the number of dwellings located off Brighton Road, the containment of the site due to screening and because of the residential character of the existing site, it is considered that the plot could take a suitably designed property that would not unduly detract from the character of the surrounding area including the AONB.'

There are therefore no sustainable grounds to object to the scheme in respect of visual amenity at this outline stage. The detailed design would be left for reserved matters stage were the application being supported.'

It is considered that there have been no changes to the site to come to a different view in respect of the impact on the character of the area or the High Weald AONB through the formation of an additional dwelling within the garden of Graftons.'

In light of the above, it is considered that the proposal would maintain the character of the countryside and conserve the High Weald National Landscapes. The proposal is thereby considered to comply with Policy DP3 of the NPPF and Policies DP16 and DP26 of the District Plan and Policy AS3 of the Neighbourhood Plan in respect of this issue.

Impact on Neighbouring Amenities

In assessing the potential impact of the proposed development works upon the neighbouring amenities consideration needs to be given to District Plan Policy DP26.

However, policy DP26 is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to Policies L2 and P3 of the NPPF.

Policy L2 of the NPPF relates to Making effective use of land and in relation to additional development within existing plots states in part that proposals should:

'Maintain safe access and egress for occupiers and users, and acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space'

Policy P3 of the NPPF relates to Living conditions and pollution and in part states that development proposals should:

'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. Adverse impacts of this nature should be avoided where possible, or else mitigated to an acceptable degree. Where possible, opportunities should be taken to reduce pollution affecting the wider area (such as through traffic and travel management or improved external lighting)'

As this application only seeks permission for the principle of the development and the means of access a complete assessment of the relationships with existing residents cannot be made at this stage.

However, the proposed block plan shows the potential layout of the development. The layout and scale are to be matters in relation to any subsequent reserved matters stage where this would need to be fully considered. Notwithstanding this, the block plan shows the development could be accommodated within the site without resulting in detriment to the neighbouring amenities to nearby residential occupiers.

Nevertheless, as this application is of an outline scheme with the appearance, layout and scale of the units not being considered, this would need to be fully assessed at any reserved matters stage.

Sustainability

Policy DP21 in part relates to the sustainable location of development to minimise the need for travel and to promote the use of alternative means of transport rather than the private car Policy DP21 is considered to have very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to Policy TR3 of the NPPF.

With regard to the location of development in sustainable locations, Policy TR3 of the NPPF states that: *'So that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location.'* A number of principles are then listed under Policy TR3.

Furthermore, Policy DP3 of the NPPF states that:

'To create well-designed places, development proposals should also reflect relevant aspects of the following principles, as appropriate to the nature of the development and its location:'

Criterion 2(d) of Policy DP3 relates to movement and is considered to be relevant to the current application:

'Movement: provide transport infrastructure and choices which support the design vision for the site, provide good connections to the wider settlement (or those nearby), and prioritise walking, wheeling, cycling and public transport;'

With regard to sustainability, DP39 of the District Plan requires development proposals to improve the sustainability of development and should where appropriate and feasible incorporate measures to minimise energy use. It is however considered that Policy DP39 has very limited weight as it is materially inconsistent with the NPPF, and greater weight should be given to Policy CC2 of the NPPF.

Amongst other matters, Policy CC2 (1) of the NPPF states that:

'In order to contribute to climate change mitigation and the transition to net zero, development proposals should, where relevant to the proposal:

a) Accord with policies TR3 and TR4 so that sustainable patterns of movement are prioritised, opportunities are taken to improve walking, wheeling, cycling and public transport, and infrastructure is provided to support the transition to zero-emission vehicles;

Support good access to facilities in order to limit the need to travel, whether through the development's location, through development densities which improve catchment populations for local services, or by incorporating community facilities and premises to support local employment opportunities;'

It has been submitted that the proposal would seek to include cycle storage to encourage the future occupants to use this specific form of sustainable transport. The submitted block plan also shows that the three parking spaces for the dwelling would have electric vehicle charging points.

Notwithstanding this, the site is set some distance away from the built up area boundary of Warninglid (some 1.4km away from the built up boundary of the village).

It was concluded by the Inspector in the determination of the latest appeal on site (APP/D3830/W/23/3316817) for one outline self build dwelling that:

'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 is considered that there has been no fundamental change to the site in terms of transport and accessibility to come to a different decision in respect to the sustainable location of the site. Whilst there is a cycle network on the opposite side of the A23, this is some distance to local schools and other facilities. The nearby bus stops on the A23 however, as noted within the nearby refusal for four outline dwellings at No.6 Highfields (DM/25/2373), it was considered that the number and frequency of buses to this stop throughout the week would not make the site sustainably located. In addition, access to the

nearby villages to the local services on foot would be along rural roads which do not have pavements and are unlit in places. These routes would be unattractive for families, the elderly, or those with limited mobility at any time of the year. It is therefore considered that future occupiers of the development would be very likely to rely on private car trips for the necessities of daily life. As such it is considered that the site falls short in terms of sustainability and would be heavily reliant on the motorcar. The site would be poorly accessible in relation to access to local services and facilities, other than by the use of private car. Whilst it is acknowledged that cycle parking and electric vehicle points would be provided for the development this does not overcome the unsustainable location of the site.

In light of the above, the proposal is considered to conflict with Policies DP3(2,d), TR3(1) and CC2(1, a, b) of the NPPF and Policy DP21 of the District Plan.

Highways Impact

Policy DP21 of the District Plan relates to transport. It is considered that this policy is materially inconsistent with the NPPF and has very limited weight and greater weight should be given to policies TR4 and TR6 of the NPPF instead.

Policy TR4 of the NPPF requires development proposals to support sustainable transport objectives, including by providing safe and suitable access to sites and promoting opportunities for travel by sustainable modes. Policy TR6 confirms that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the transport network would be severe.

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 proposal is to utilise the existing access of Graftons off Brighton Road on a shared basis.

The Highways Authority provided the following comments in response to the proposal: *'The Local Highway Authority does not consider that this outline proposal for a single self-build dwelling would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network'*

Consequently, the proposal is considered acceptable in relation to highway safety and would not result in a severe impact on the highway network.

Flood Risk and Drainage

Policy DP41 of the District Plan relates to flood risk and drainage whilst policy DP42 relates to water infrastructure. These policies are materially inconsistent with the NPPF and should be given very limited weight 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 is located within flood zone 1 and is at a low fluvial risk (risk of flooding from main rivers). Most of the site is shown to be at a very low surface water flood risk.

Due to the nature of the application little information has been provided in relation to drainage. However, the application form states a soakaway system shall be used and foul water drainage will utilise an existing drainage system which ultimately discharges to main sewers.

The Council's Drainage Engineer has been consulted on the scheme and has raised no objection towards the application subject to a drainage condition.

Accordingly, the proposal is considered to comply with Policies CC3 and F8 of the NPPF and Policy DP41 of the District Plan.

Self Build

The proposal has been submitted to be a self-build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

The Local Planning Authority must now grant 'suitable development permissions' in respect of enough serviced plots of land to meet the demand for self-build and custom housing building in the authority's area.

Policy DP30 of the District Plan relates to housing mix and has full weight. It states:

'To support sustainable communities, housing development will:

o provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;

o meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and

o on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurate with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.

o If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council. Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).'

Furthermore, Policy HO7 of the NPPF states that:

'In applying the policies in this Framework, substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs of the community, as identified through needs assessments prepared for the area of the local planning authority and other relevant evidence. This includes, but is not limited to, homes needed for different groups assessed under policy HO1.'

Under Policy HO1(2,i) people wishing to commission or build their own homes is identified as a relevant group.

Under the 2023 appeal on site (APP/D3830/W/23/3316817), it was concluded by the Inspector that: *'Nevertheless, the appellant suggests that the Council has a shortfall of self-build housebuilding plots which weighs in favour of the proposal. However, from the evidence before me, even if the emerging Mid Sussex District Plan 2021-2039, which supports the provision of suitable self-build plots, is yet to be adopted, the Council has permitted numerous 'suitable' self-build plots over a sustained period of time to*

meet the level of local demand. Therefore, on the balance of probabilities, I am persuaded that the provision of suitable self-build plots will be ongoing.'

The submitted Planning Statement refers to an appeal at the Land North of Felbridge Road for eight outline self/custom build dwellings. This appeal has been allowed since the last appeal and dismissal on site at Graftons. The aforementioned appeal in Felbridge concluded that:

'It therefore follows that based on the evidence before me, on the balance of probabilities, the Council is not meeting its statutory requirements in relation to providing sufficient self-build and custom housing plots. As insufficient permissions have been granted by the Council to meet demand in accordance with the statutory duty, this is a material consideration in favour of granting permission.'

At the time of the submission of the planning application (18.08.26) there were 16 applicants who had an evidenced local connection on the Council's self/ custom build register. Between the 31st of October 2025 and 18th of August 2026, there has been a total of 16 planning permissions granted for self/ custom build units within the District.

Whilst it is acknowledged that the provision of a self-build dwelling is a material consideration that attracts positive weight in the planning balance, it is not considered that this benefit outweighs the unsustainable location of the proposal, as set out earlier in this report. This view is supported by the Inspector who dismissed the appeal at this site referred to above (3316817) where the Inspector stated *'In this case, the appellant contends that as the proposal is for a self-build plot it attracts substantial planning weight that outweighs the countryside and locational policies set out in the Mid Sussex District Plan 2018 (MSDP), including Policies DP6, DP12 and DP15. However, I find to the contrary. While the national Planning Policy Guidance (PPG) requires that Councils must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area, it does not necessarily follow that all proposals will be suitable for development permission.'*

Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment

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

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

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

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises a development site area of below 0.2 hectares which 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 in this instance consists of the Mid Sussex District Plan and the Ansty and Staplefield Neighbourhood Plan.

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

In terms of policy designations, the starting point for this assessment is that the application site falls in the countryside as defined by the District Plan. As such the site is not located within a settlement.

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. The proposed development does not meet all the criteria of policy DP12 in the District Plan.

As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.

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 1 of the NPPF. At the present time, the Council is unable to demonstrate a five year supply of deliverable housing sites.

For the reasons set out within this report, policies DP4, DP6, DP12 and DP15 can be given limited weight. It is considered that policy AS1 in the Neighbourhood Plan has very limited weight because it is materially inconsistent with the NPPF.

Policy S3 in the NPPF states that decisions on development proposals should apply a presumption in favour of sustainable development. For development outside settlements, this means that Policy S5 in the NPPF should be applied. Policy S5 states that outside settlement boundaries only certain forms of development should be allowed. It then sets out a list of such developments. One of the categories of development that Policy S5(1,e) says should be approved is 'limited infill development within groups of houses'. It then goes on to state that another category that should be approved is development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would be physically well-related to an existing settlement.

In respect to the proposals sustainability impact, there has been no fundamental change in the site's accessibility since the previous decisions on site. Despite the availability of some walking, cycling and public transport opportunities, access to services and facilities would remain limited with future occupants being heavily reliant on the private car. The development thereby conflicts with Policies DP3(2,d), TR3(1) and CC2(1, a, b) of the NPPF and Policy DP21 of the District Plan.

Weighing against the application is the conflict with development plan policy in relation to policies DP6, DP12, DP15 and DP21 of the District Plan.

Weighing in favour of the proposal is that the development would result in the provision of 1 dwelling for self / custom build which will make a positive contribution to the district's housing supply and requirement to provide self-build plots within the District. As outlined in Policy HO7 of the NPPF, this should be given substantial weight.

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 relatively small scale of the development proposed these benefits would be limited.

The proposal would have a neutral effect in terms of highway safety and the impact on nitrogen deposition on the Ashdown Forest.

The proposal is not physically well-related to an existing settlement, and therefore does not benefit from the presumption in favour of sustainable development set out in national decision-making policy S5(j). It is considered that the benefits of the proposal would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF, specifically policies DP3(2,d), TR3(1) and CC2(1, a, b).

The views of the previous Planning Inspector, who found the site to be car dependent are an important material consideration. It is well established that consistency is important in the planning system and there are not considered to be any reasons to come to a different view on this matter now.

The proposal is contrary to the policies of the Development Plan and there are not considered to be any other material considerations which would justify a decision other than in accordance with the Plan. Overall the planning balance is considered to fall significantly in favour of refusing planning permission as the benefits of the proposal would be substantially outweighed by the adverse effects.

Decision: Refusal

Case Officer: Stefan Galyas

