

Mid Sussex District Council

Oaklands
Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

28 January 2025

Dear Sir / Madam,

LAND TO THE NORTH OF ETHLINDEN, HOPHURST HILL, CRAWLEY DOWN, RH10 4LP

On behalf of our client, Grip Holdings Ltd, please find enclosed a planning application for:

'Change of use of land to equestrian and associated works'

Alongside the relevant fee and application form, this application comprises the following plans and documents:

1. Covering Letter, Planning Statement & Flood Risk Assessment (*this letter*)
2. Location Plan
3. Site Plan
4. Arboricultural Impact Assessment & Method Statement
5. Preliminary Ecological Appraisal
6. Biodiversity Net Gain Assessment
7. Biodiversity Net Gain Matrix

This document provides an overview of the site, its context and the proposed development, before assessing the proposal against local and national policy.

Site and Situation

The site is situated immediately north of the residential property known as Ethlinden, to the east of Hophurst Hill, circa 1.50km northeast of the centre of Crawley Down and 1.70km southwest of Felbridge.

It comprises an undeveloped parcel of land with an access onto a shared right of access with the adjacent fishing pond, which connects to Hophurst Hill/Felbridge Road to the northeast. The site is not currently in use.

The site is situated outside of the built-up area boundary and the Ashdown Forest 7km zone of influence. Most of the site is within flood zone 1, however a small part to the north is within flood zone 3. The nearest listed buildings are the grade II listed Barn to the South East of Gibbshaven Farmhouse (list entry 1025567) and Gibbshaven Farmhouse (list entry 1182392) which are situated circa 150m north of the site.

Planning History

The table below displays the planning history of the site.

Reference	Description	Decision
WP/104/89	Formation of fishing lake and new car park	Refused
WP/147/90	Formation of fishing lake and car park.	Approved

Reference	Description	Decision
WP/147/90/AP1	AMENDED PLANS: Formation of fishing lake and car park. AMENDED PLANS SHOWING: Relocated car park and amended shape of lake.	Approved
WP/124/95	Erection of 1 no. chalet style dwelling. Formation of access off car park. Erection of double garage (to serve as bailiffs dwelling)	Refused
DM/16/1770	Proposal for three no, four bedroom live-work units	Refused

The site's history starts with WP/104/89 which was refused for the formation of a fishing lake and car park. WP/147/90 was then approved for these works and the scheme was amended under WP/147/90/AP1. This relates mainly to the land to the northwest but the scheme included the site in this application. A few years later, application WP/124/95 was refused for the erection of a dwelling and double garage.

Most recently, application DM/16/1770 was refused for the erection of three live-work units on the site. The reasons for refusal were:

1. The proposal would be unacceptable in principle, due to the irreparable loss of ancient woodland and loss of trees within the site. The proposed dwellings would, by means of their layout and scale, represent a cramped form of development of the site that would result in plots failing to respect the surrounding informal and spacious pattern of development. Thus the adverse impacts of this proposed development would significantly and demonstrably outweigh the benefits and as such, the proposal would fail to comply with Policies C5, C6, B1 and B7 of the Mid Sussex Local Plan, Policies CDNP05 and CDNP09 of the Crawley Down Neighbourhood Plan, Policies DP24, DP36 and DP37 of the draft Mid Sussex District Plan and the objectives of the National Planning Policy Framework, in particular paragraphs 7, 8, 14, 17 and 118.
2. The proposal has failed to demonstrate suitable mitigation measures for protected species, contrary to Policy C5 of the Mid Sussex Local Plan, Policy CDNP09 of the Crawley Down Neighbourhood Plan, Policy DP37 of the draft Mid Sussex District Plan and the objectives of the NPPF.
3. The proposal does not adequately mitigate the potential impact on the Ashdown Forest SPA and SAC and therefore would be contrary to the Conservation of Habitats and Species Regulations 2010, Policy C5 of the Mid Sussex Local Plan, Policy DP15 of the draft Mid Sussex District Plan, Policy CDNP11 of the Crawley Down Neighbourhood Plan and paragraph 118 of the National Planning Policy Framework.

Proposed Development

The proposed development comprises the change of use of the land to equestrian. Whilst no operational development is proposed, the scheme does include additional landscaping, and the installation of a post and rail fence.

The proposed development would utilise the existing access onto the shared access track which links to Hophurst Hill.

Planning Policy

Planning decisions should be taken in accordance with the development plan unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In this case, the adopted development plan consists of:

- Mid Sussex District Plan 2014-2031
- Site Allocations Document
- Neighbourhood Plans

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- Local Plan 2004 (saved policies)
 - Small Scale Housing Allocations Document

Policy contained within the National Planning Policy Framework (NPPF) published in December 2024 is also material in the determination of this application. This most relevant policies in the development plan are set out below:

Mid Sussex District Plan 2014-2031

The District Plan was adopted in March 2018 and sets out a vision for how Mid Sussex wants to evolve and a delivery strategy for how that will be achieved through a suite of policies used in the determination of planning applications. The most relevant policies are discussed below.

Policy DP12: Protection and Enhancement of Countryside states 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 elsewhere in the development plan.

Policy DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) states that any development likely to have a significant effect on the SPA and SAC must demonstrate that adequate measures are put in place to avoid or mitigate any potential adverse impact. Within the 400m buffer of the Ashdown Forest, residential development will not be permitted and residential development resulting in an increase in dwellings within the 7km zone of influence must provide appropriate mitigation.

Policy DP37: Trees, Woodland and Hedgerows supports *‘the protection and enhancement of trees, woodland and hedgerows, and encourage new planting’* and development that damages or leads to the loss of trees, woodland or hedgerow that contribute to the character of the area and landscape will not normally be permitted.

Policy DP38: Biodiversity seeks to protect and enhance biodiversity by requiring development to comply with 5 criteria.

Crawley Down Neighbourhood Plan

The Crawley Down Neighbourhood Plan was ‘made’ in January 2016 and sets out 11 policies to ensure that new development in the Crawley Down Neighbourhood Plan Area will be sustainable and in accordance with the vision. The relevant policies from the Neighbourhood Plan are discussed below.

Policy CDNP08: Prevention of Coalescence will only permit development outside of the village boundary where it complies with 3 criteria.

Policy CDNP09: Protect and Enhance Biodiversity states that *‘Proposals for new residential, employment and retail development will be expected to protect and enhance biodiversity and wildlife’* which is achieved by requiring development to comply with 5 criteria.

Policy CDNP11: Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA) reflects the District Plan policy, reinforcing that residential development likely to have a significant effect must provide avoidance and mitigation measures and within a 7km zone of influence, residential development will only be permitted where appropriate mitigation is provided.

Main Considerations

In this section we will consider the main issues relevant to the proposed development which are as follows:

- Principle

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- Flood Risk
 - Trees & Woodland
 - Landscape
 - Ecology & Biodiversity Net Gain

Principle

The proposed development comprises a change of use of the land to equestrian and associated works. The site is situated outside of the built-up area boundaries and within the countryside.

Policy DP12 states that development outside of the built-up area boundaries will only be supported where it *'maintains or where possible enhances the quality of the rural and landscape character of the District'* and is either necessary for the purpose of agriculture or is supported by a specific policy reference elsewhere in the development plan.

There are no policies in the development plan that relate to a change of use of land to equestrian, however, other decisions such as DM/23/2276 (approved for the change of use of 5 acres of land to allow equestrian use, proposed stables and sand school) establish that whilst not being for agricultural purposes the core objective of the policy is to *'protect the intrinsic character and beauty of the countryside'* as stated in the Officer's Report for DM/23/2276 and therefore equestrian development is acceptable within the countryside as *'It is quite usual for such equestrian activities to be located within the countryside'*. Regarding the impact on the quality of the rural and landscape character, the site is very well enclosed by the woodland which provides an exceptional level of screening between the site and Hophurst Hill and the adjacent fishing lake. Moreover, the only operational development is the construction of a post and rail fence and the other landscape measures. As such, there will be very limited impact on the appearance of the site which cannot be seen from public locations. The proposed development would have negligible impacts on the rural and landscape character of the District. The proposed development therefore complies with Policy DP12.

Trees & Woodland

An Arboricultural Impact Assessment and Method Statement has been prepared by arboriculturist Cristian Pinta. It identifies that the site is surrounded by woodland which includes Silver Birch, Sweet Chestnut, Beech, Alder, Holly, Goat Willow, Rowan and some invasive Rhododendron. The majority of trees are relatively young with some being semi-mature and the current woodland floor is lined with spoil from the nearby lake excavation and *'whilst the trees planted do not have the ecological value of an ancient woodland, they have had a role in the forestation and improvement of the poor soil quality'*. The whole site would have been part of Cuttinglye Wood several centuries ago, however the Lank Utilisation Survey 1931-1938 shows the section of woodland, including this site, being allocated residential land.

Regarding the impacts on the woodland, the report identifies that the only potential harm from physical works would be from the installation of the boundary fence, however the fence will not require foundations, only posts, and the fence will be placed at distances of a minimum of 3-4 metres from existing trees and therefore the posts will be installed outside of any of the root protection areas of any woodland trees. It also highlights that tree pruning may be required to oak trees and rhododendron is a species that is harmful to horses and is an invasive woodland species and therefore it is recommended that this species is felled within a 10m buffer of the enclosure.

The Method Statement states includes recommended measures to ensure that retained trees are protected, including the installation of Herras Fencing, avoiding storing materials within the RPAs of trees and placing site notices. So long as these protection measures are adhered to, the proposed development would comply with Policy DP37 which requires that *'Trees, woodland and hedgerows will be protected and enhanced'*.

The site is within the Ashdown Forest 7km zone of influence, however policies DP17 and CDNP11 only provide additional requirements for residential development within the 7km zone of influence.

Flood Risk

A very small part of the site, to the north, is within Flood Zone 3.

The proposed development does not include any operational development, including within Flood Zone 3 and therefore there would be no increase in flood risk onsite or elsewhere. Moreover, there would be no change in flood risk vulnerability classification as both the existing and proposed uses are classed as less vulnerable. The proposed development will therefore be 'safe across its lifetime and not increase the risk of flooding elsewhere' in accordance with Policy DP41.

Landscape

The site is situated between the built-up area of Crawley Down and Felbridge. Policy CDNP08 states that development will be permitted outside of the village boundary where it meets three criteria. We take each in turn below.

Firstly, criterion a. requires that the development '*does not detract significantly from openness and the character of the landscape*'. No operational development is proposed, with the exception of the post and rail boundary fence. The character of the site, as an open field, will be retained and therefore there would be negligible impact on openness. Regarding the character of the landscape, the site is surrounded by woodland meaning that there is an excellent level of screening and lack of intervisibility between the site and surrounding publicly accessible locations, such as Hophurst Hill. The proposal would therefore result in no harm to the character of the landscape. As previously discussed, this means that the proposal complies with Policy DP12.

Criterion b. requires that the development '*does not contribute to 'ribbon development' along the roads or paths linking the village to neighbouring settlements of Copthorne, Felbridge, Turners Hill and Crawley*'. The site is situated between Crawley Down and Felbridge, however no operational development is proposed with the exception of the post and rail fence, which is what the policy seeks to avoid between Crawley Down and the neighbouring settlements. The proposal would therefore avoid ribbon development.

Criterion c. requires that the development '*does not significantly reduce the gaps between the village and neighbouring settlements of Copthorne, Felbridge, Turners Hill and Crawley*'. As no operational development is proposed, with the exception of the post and rail fencing, the openness of the site will not be impacted and therefore the proposal would not reduce any gaps between the village and Felbridge.

The proposed development complies with each of these criteria, and therefore is in accordance with Policy CDNP08.

Ecology & Biodiversity Net Gain

A Preliminary Ecological Appraisal has been prepared by Coyne Environmental Ltd. It identifies that habitats including sparsely vegetated urban land – bare ground, broadleaves and mixed woodland and other standing water are present on the site. A Habitat Suitability Index assessment was undertaken to ascertain the suitability of the fishing lake to the northwest to support great crested newts (GCN). The resulting score was 0.61 which indicates an 'average' suitability, but it is important to note that the lake is used for fishing activities which diminish its suitability and the size and location of the lake make it likely that waterfowl use the lake from time to time, which prey on GCN. As such, the PEA concludes that '*the proposals will have minimal impact on the suitability for GCN; this works can continue without any further surveys*'.

Regarding impacts on other protected species, the main opportunities for bat roosting potential is within the woodland surrounding the site. The vegetation and trees were inspected but no evidence of urine, signs of faeces, entry scratches etc were found. The removal of any trees with a high potential for bats will require inspection beforehand and if any bats are found, a suitably qualified ecologist should be contacted. For birds,

no nests or evidence of nest building was found and the proposals aren't likely to affect any bird species but it is possible that birds may nest nearby and so the removal of any trees or sizeable scrub should be inspected beforehand.

For mammals, due to the site being surrounded by woodland, badgers have potential to dig setts here, however badgers tend to prefer the edges of woodland, scrub or thick vegetation to dig setts. Pairing this with the road to the east and house to the south, its highly unlikely that badgers would dig setts on the site. In addition, no trails, passages, latrine areas or discarded meals were found. Throughout the area, deer tracks were observed suggesting that a small herd commute through the site, but it is noted that deer aren't classified as a European Protected Species. No evidence of footprints or droppings for other mammals such as rabbits or red foxes were observed and while foxes may pass through the site, its unlikely any foraging and/or den making will take place. No burrows or signs of burrowing were observed and no signs of mole activity were found.

Regarding reptiles, the main opportunity for them is within the wider surrounding area and not within the site due to the more attractive vegetation such as longer grass or increased debris are outside of the site. The site therefore has a low value for reptiles such as grass snakes and common lizards. Inspections under possible refugia was carried out but nothing was observed.

The PEA therefore concludes that *'the survey and subsequent desk top study of the site indicated that this is not an area of high risk for any specific species or sensitive habitats and has no habitats of importance or ecology of significance... While certain species may commute through the site, it is unlikely any roosting, nesting or den making will take place. Consequently, it is considered that no additional surveys for these species are required... the proposed new application will have minimal impact on overall ecology of the area. I conclude that no further ecological or environmental studies are necessary to satisfy the requirement for ecological and biodiversity enhancements'*. The proposed development therefore *'protects existing biodiversity, so that there is no net loss of biodiversity'* in accordance with Policy DP38 and will protect *'designated sites, protected species, ancient or species rich hedgerows, shaws, grassland and woodlands'* in accordance with Policy CDNP09.

A Biodiversity Net Gain (BNG) assessment has also been carried out which calculates that the proposed development would result in a net gain of habitat units of 10.01% and therefore the mandatory 10% BNG requirement is met. The proposed development would therefore comply with Policy DP38 which requires *'that there is a net gain in biodiversity'*.

Conclusion

The proposed development seeks the *'Change of use of land to equestrian and associated works'*.

Other applications in the District have established that, whilst not supported by a specific policy, equestrian activities are acceptable in principle in the countryside, subject to compliance with DP12. The proposed works would not impact on the quality of the rural and landscape character due to the excellent level of screening and lack of operational development proposed. The proposal therefore complies with DP12 and is acceptable in principle.

A small part of the site is within Flood Zone 3 but there is no operational development proposed within Flood Zone 3 and no change in flood risk vulnerability classification, which is categorised as low vulnerability. The proposed development will therefore be safe and will not increase flood risk on site or elsewhere in accordance with Policy DP41.

The proposed development would protect all retained trees on site in accordance with Policy DP37.

The proposed works would protect the openness and landscape character of the site and would not result in coalescence between Crawley Down and other neighbouring settlements in accordance with policies DP12 and CDNP08.

The proposed development would safeguard protected sites, habitats and species in accordance with Policy CDNP09 and would achieve a 10.01% net gain in biodiversity, satisfying the BNG condition and complying with Policy DP38.

Consequently, the proposal complies with the NPPF and Development Plan, and therefore, it is requested that planning permission be granted.

Should you require any further information to assist with the determination of this application, please do not hesitate to contact me.

Yours sincerely,



James Halls

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