

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2830	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Conversion of the existing barn and stable block to a residential property and creation of a new access.		
Site:	Orchard Farm, Nash Lane, Scaynes Hill, Haywards Heath, West Sussex, RH17 7NJ, ,		
Validation Date	10 Dec 2024	Overall Expiry Date:	7 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	19 Jun 2025
Target Date:	4 Feb 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)	PL13-008256 5 Jun 2025	No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	20 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2830

**Orchard Farm, Nash Lane, Scaynes Hill, Haywards Heath, West Sussex, RH17 7NJ,
Conversion of the existing barn and stable block to a residential property and creation of a new access.**

Ms Lisa Holman

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

MSDC Tree Officer - no objection, recommend condition

MSDC Street Naming and Numbering - informative

WSCC Highways Authority - no objection, recommends condition

Southern Water - no objection

Ecologist - No objection, recommend conditions

MSDC Flood Risk and Drainage Team - no objection, recommend condition

WSCC FRS Water and Access - information

Natural England - No objection, suggest to mitigation

PARISH COUNCIL OBSERVATIONS

No comments received

INTRODUCTION

The application seeks planning permission for the conversion of the existing barn and stable block to a residential property and creation of a new access.

RELEVANT PLANNING HISTORY

DM/24/0519 - Creation of a new access and associated landscaping to serve existing barn and equestrian facilities (Further information received 22.04.2024). Granted

DM/20/4033 - Extension of existing driveway creating a new access to the highway, erection of associated gates and creation of footpath linking to public highway. Refused

DM/18/3815 - Erection of 4 x four bed houses (C3) and creation of new access drive from Cuckfield Lane. Refused (Dismissed at Appeal)

SITE AND SURROUNDINGS

The application property is located off the southern side of Nash Lane, within the countryside.

The application site includes a barn, which is currently used as stables and associated storage, along with part of the adjacent paddock to the west and up to the Nash Lane to the north. The surrounding land is also within the same ownership and includes a stable yard, sand school, paddocks and a two storey detached dwelling to the west.

The locality is characterised by loose knit sporadic development, with large areas of open fields and woodland. Nash Lane is lined on both sides by mature hedging which partly obscure the properties from view of the public highway and contributes to the verdant character of the area. The perimeter of the property is lined by mature hedging and trees which contributes to the verdant character of the locality and the countryside.

APPLICATION DETAILS

The application seeks to convert the barn to form a 3-bed residential property. The conversion would include infilling the open eastern side elevation and the insertion of fenestration. The proposed alterations would be constructed in materials to match the existing building.

The proposal would be accessed by an extended driveway to the highway with associated hard and soft landscaping to create a domestic curtilage.

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 Allocation DPD, Site Allocation DPD and Lindfield and Lindfield Rural 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
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP37 - Trees, Woodlands and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

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.

Lindfield and Lindfield Rural Neighbourhood Plan (made March 2016)

None relevant

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Other Material Considerations

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

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

Relevant policies:

DPS1: Climate Change
DPS2: Sustainable Design and Construction
DPS4: Flood Risk and Drainage
DPS5: Water Neutrality
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN3: Green and Blue Infrastructure
DPN4: Trees, Woodland and Hedgerows
DPC1: Protection and Enhancement of the Countryside
DPC3: New Homes in the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPC6: Ashdown Forest SPA and SAC

DPB1: Character and Design
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH1: Housing
DPH2: Sustainable Development - Outside the Built-up Area
DPH7: Housing Mix
DPH11: Dwelling Space Standards
DPH12: Accessibility

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

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

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

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

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

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

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

National Planning Policy Guidance

National Design Guide

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

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

Technical Housing Standards

ASSESSMENT

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

- The principle of development;
- Design and impact on the character of the area
- Impact on the amenities of neighbouring properties
- Impact on future occupants of the development
- Impact on the Highway
- Impact on Trees
- Ecology
- Ashdown Forest
- Sustainability
- Flood Risk and Drainage
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle of Development

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 of the built-up area of Scaynes Hill as defined by the District Plan. As such the site is located within the defined Countryside.

Policy DP12 of the District Plan refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

Policy DP6 of the District Plan states in part that:

'Outside defined built-up area boundaries, the expansion of settlements will be supported where:

1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and
2. The site is contiguous with an existing built up area of the settlement; and
3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'

Policy DP15 of the District Plan refers to the re-use of rural buildings in the countryside and sets out the requirements where this would be permitted, which states:

Re-use of rural buildings for residential use

*The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed agricultural building which has not been or has been little used for its original purpose and:
o the re-use would secure the future of a heritage asset; or*

o the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.'

The proposal would convert an existing barn which has been used in association with existing equestrian facilities. The proposed alterations to the building would enhance the appearance of the existing building and the immediate rural locality.

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

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

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

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

'For decision-taking this means;

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

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

i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

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

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

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

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If however the development is not

found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).

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

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

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

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

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

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

Design and impact on the character of the area

Policy DP26 of the Mid Sussex District Plan states:

"All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

Paragraphs 131 and 135 of the NPPF state:

'131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'

135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

Principle DG53 of the Mid Sussex Design Guide states:

'This guidance applies to traditional buildings that may be statutorily listed or unlisted with local heritage value.'

The primary objective of all conversions of traditional buildings must be to retain the character and appearance of the original building, and its defining architectural characteristics.

Non-residential uses are typically easier to accommodate as they tend to require less significant changes to the fabric of the building.

Conversion to residential use may seek compromises in terms of the layout and the provision of natural light into all habitable rooms, that could detract from the original architecture. The introduction of conspicuous domestic features such as chimneys, satellite dishes, aerials, porches and additional window or door openings are often out of character with the original building and, wherever possible, such features may need to be avoided. Crisp contemporary alterations, if well detailed and sensitively integrated, can nevertheless work well while allowing the original structure to be clearly defined.

Especially in listed buildings, the original internal wall divisions should be retained wherever possible and the introduction of additional walls or floors should be kept to a minimum. Existing window openings and window detailing should normally be retained and refurbished.

Where additional floors are introduced, they should avoid cutting across tall windows in such a way as to be visible from outside the building or significantly affect the spatial qualities.

Large extensions or ancillary buildings are sometimes less appropriate for conversions particularly if they dominate or detract from the character or setting of the original building and so detract from its character.

Where appropriate, existing ancillary buildings should be re-used such as for garages and ancillary domestic buildings, to avoid the need for new buildings. The Landscaping and boundary treatments should not detract from the character or layout of the original building.

The structural integrity of a building will be a factor in determining whether it is capable of conversion without substantial rebuilding or extension; this may need to be demonstrated in a structural report.'

The proposed alterations to the existing building would alter the appearance of the building, however the domestic alterations of the conversion as has been reduced to solely the installation of windows and doors. Due to this, the existing rural character of the building has been retained as far as possible. The proposed access is the same as previously approved under application DM/24/0519 and would provide some distant views of the proposed conversion from the highway. However, given the limited alterations proposed it is considered that the proposal would reflect the rural character of the area.

Due to the above, the proposal is considered to be a form of development which would reflect the existing character of the area and would comply with policy DP26 of the Mid Sussex District Plan, the Mid Sussex Design Guide and the relevant provision of the NPPF.

Impact on the amenities of neighbouring properties

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do '*...not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution*'.

The closest neighbouring properties includes the existing dwellinghouse of Orchard Farm, some 95 metres to the west and Pegden Hall located to the northern side of Nash Lane and approximately 113 metres from the application site. Given the separation distances to the closest neighbouring properties, it is considered that the proposal would not cause harm to the amenities of neighbouring properties. The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan.

Impact on future occupants of the development

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1st October 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.

The proposal is to provide a three bed, six person dwelling which from Officer calculations indicate would meet the floor space standards and therefore comply with policy DP27 of the District Plan and the National Dwelling Space Standards.

It is noted that the proposal would be located within an equestrian yard, however given the number of stables retained on the site and that these are privately owned by Orchards Farm it is considered that this adjacent use would not result in harm to the amenities of the future occupiers.

To the north of the site is a light industrial site which consists of two buildings and a yard area. The use of this site is conditioned along with conditions restricting the hours of use (08:00 -18:00 Monday to Friday and 08:00 - 13:00 on Saturdays) and noise emitted from the site. Given these existing restrictions and the proximity of this site to other neighbouring properties it is not considered that this adjacent use would result in significant harm to the amenities of the future occupiers.

The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan.

Impact on parking provision

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

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

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

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

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

The Highways Authority was consulted on the application and provided the following comments:

'This proposal is for the conversion of the existing barn and stable block to a residential property and creation of a new access. The site is located on Nash Lane, a C-classified road subject to national speed limit in this location.

The Local Highway Authority (LHA) previously provided consultation advice for this site for application DM/24/0519, raising no highway safety concerns. This Local Planning Authority (LPA) permitted the application.

From inspection of the plans, the proposed access is the same as the access previously permitted under application DM/24/0519. Therefore, the LPA are advised to refer to the LHAs previous comments, dated 01/05/2024, which would still be considered valid.

The applicant proposes two car parking spaces for this development. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least two car parking spaces. Therefore, the LHA is satisfied with the proposed level of parking provision.

From inspection of the plans, the proposed parking area is suitably sized and on-site turning appears achievable. No cycle parking details have been provided. The LPA may wish to request secure cycle parking provision in accordance with WSCC Parking Standards.

The site is situated in a rural area that lacks access to immediate services, amenities, and public transport links. The nearest town is Haywards Heath, approximately 5km west of the site. In addition, Nash Lane lacks footways and street lighting - as such, residents may have a reliance on the private car. Cycling is an option for confident cyclists.

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

The application is considered to meet the requirements of policy DP21 of the Mid Sussex District Plan.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- *incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- *prevents damage to root systems and takes account of expected future growth; and*
- *where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- *has appropriate protection measures throughout the development process; and*
- *takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- *does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The Tree Officer has been consulted on the application and raised no objection following the submission of further details regarding the proposed hedgerows and specifications of the proposed access road. It is therefore considered that the proposal would be acceptable in terms of policy DP37 of the Mid Sussex District Plan subject to a condition.

Ecology

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of*

Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

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

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

Paragraph 193 of the NPPF states:

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

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 67 and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

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

'We have reviewed the Further Information Request (The Ecology Co-op, submitted 10th January 2025) and Combined Preliminary Ecological Appraisal and Bat Scoping Report (The Ecology Co-op, October 2024), relating to the likely impacts of development on designated sites, protected & Priority species and habitats, identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

In addition, we have reviewed the submitted Small Sites Metric - Calculation Tool (The Ecology Co-op, November 2024) and the Biodiversity Impact Calculation (The Ecology Co-op, November 2024), relating to mandatory biodiversity net gains.

We note from the Combined Preliminary Ecological Appraisal and Bat Scoping Report (The Ecology Co-op, October 2024) that the Small Barn, Large Barn and Stables all have negligible bat roost potential. We also note from the Further Information Request (The Ecology Co-op, submitted 10th January 2025) that a Ground Level Tree Assessment was undertaken and that the trees to be felled during the development have negligible bat roost potential. Therefore we agree that no further surveys for bats are required.

We are now satisfied that there is sufficient ecological information available to support determination of this application. However, please note we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Combined Preliminary Ecological Appraisal and Bat Scoping Report (The Ecology Co-op, October 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Small Sites Metric - Calculation Tool (The Ecology Co-op, November 2024) and Biodiversity Impact Calculation (The Ecology Co-op, November 2024). Biodiversity net gain is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

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

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. Based on the submitted post-intervention values, it is suggested that this includes the following habitats: Other neutral grassland. The HMMP should be completed alongside the provision of details relating to the Biodiversity Gain Plan, with the maintenance and monitoring secured via legal obligation or a condition of any consent for a period of up to 30 years. The monitoring of the post-development habitat creation / enhancement will need be provided to the LPA at years 2, 5, 10, 15, 20, 25, 30 any remedial action or adaptive management will then be agreed with the LPA to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

We recommend that reasonable biodiversity enhancements for protected, Priority and threatened species should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

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

Nature Space have not been consulted on this application as the proposal does not meet the criteria for consultation.

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

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 1 dwellings, and as such, mitigation is required.

An appropriate scale of SAMM mitigation for the proposed development is £1,170, and if the approved scheme provides for a strategic SANG contribution, this would be £5,253.

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 raise no objection.

Atmospheric pollution:

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

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

Conclusion of the Habitats Regulations Assessment:

The Habitats Regulations Assessment concludes that 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.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

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

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

Paragraph 161 of the NPPF states:

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

Paragraph 166 states:

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

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

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

- Internal layout seeks to maximise passive gain

- Natural ventilation, high level trickle vents
- High thermal efficiency of walls and fenestration
- Heat pumps
- Home battery storage
- Energy efficient electrical fixtures and fittings
- EV charging point
- Rainwater and grey water harvesting
- Low flow taps

The site is located within the countryside and some distance from Scaynes Hill. The proposal would convert the existing rural building to a residential property, which is supported in principle. It is therefore considered that although the site is not located within a sustainable location the proposal does comply with the objectives of policy DP39 of the Mid Sussex District Plan and is acceptable.

Drainage

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk and at a very low surface water flood risk. There are no historic records of flooding occurring on this site and in this immediate area. The Council's Drainage Engineer has been consulted on the scheme and they raise no objection to the proposal subject to the submission of a drainage plan prior to planning permission being granted and to a condition.

Southern Water have also provided comments on the application and recommend that the applicant consults directly with the Environment Agency regarding the use of a private wastewater treatment works.

Overall, it is considered that the proposal would not cause an unacceptable risk to flooding. The proposal is thereby considered to comply with policy DP41 of the District Plan.

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 of a self-build dwelling 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 NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Lindfield and Lindfield Rural Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP4, DP6, DP12, DP15, DP17, DP21, DP26, DP27, DP37, DP38, DP39 and DP41.

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

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

In terms of the scheme's benefits, the development is considered to comply with the Development Plan as a whole, in particular Policy DP15 of the District Plan, and this should be given substantial weight. The development has resulted in construction jobs over the life of the build, albeit the weight should be more limited due to the scale of the scheme. The development has also resulted in a one new dwelling which contributes to the Council's housing supply along with the provision of BNG.

It is not considered that the development has resulted in economic or social harm and any environmental harm has been satisfactorily mitigated through conditions. This should be given significant weight.

There has been a neutral impact in respect of a number of issues such as the design, neighbouring amenity, highways, parking, Ashdown Forest SPA and SAC, drainage and sustainability.

OVERALL CONCLUSION

In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development significantly or demonstrably outweigh the benefits.

In these circumstances the NPPF states that permission should be granted.

There are no other material considerations that would alter the above planning balance and therefore the application is recommended for approval.

Decision: Permission

Case Officer: Katherine Williams