

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0725	Case Officer:	Deborah Lynn
Application Type:	Full Application		
Proposal:	The demolition of an outbuilding and the erection of a barn and workshop for use by residents of the care centre and people using the centre through day care services.		
Site:	Duckyls Farm Centre, Selsfield Road, West Hoathly, East Grinstead, West Sussex, RH19 4QY, ,		
Validation Date	30 Mar 2026	Overall Expiry Date:	12 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	11 Sep 2026
Target Date:	25 May 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	11 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0725

**Duckyls Farm Centre, Selsfield Road, West Hoathly, East Grinstead, West Sussex, RH19 4QY,
The demolition of an outbuilding and the erection of a barn and workshop for use by residents of
the care centre and people using the centre through day care services.
Ms Keri Strugnell**

SUMMARY OF REPRESENTATIONS

Two letters received from neighbour at Duckyls raising following concerns:

- Question of boathouse being part of development needs to be addressed as on Duckyls land, not within the ownership of applicant.
- No general issue with excellent community work that Duckyls do, however with roughly 100 acres at their disposal, a more sensitive site could be found for large barn.
- Siting of barn has high impact on adjoining garden it would overlook. At 6 metres tall and 45 cms long, it will tower above hedge, blocking light to established plantings and alter character of garden. Will also block spectacular view of Gravetye Manor and surrounding estate.
- If barn could be re-sited 50 metres or back along track towards Duckyls Farm, would make a vast difference.
- The gardens at Duckyls are widely known, twice featured in Country Life and admired. There may be a case for considering them of particular historic significance and thus protected.
- Has due consideration been given to the view from other public footpaths that cross the Gravetye Estate; barn will be visible from these.

SUMMARY OF CONSULTEES

MSDC Ecology

No ecological objection subject to attached conditions.

MSDC Flood Risk and Drainage

No objection subject to condition.

MSDC Tree Officer

I have no objection to this application. However, I would like a condition which requires a definitive tree protection plan, as the included plan appears to show ' suggested ' fencing.

Please condition compliance with AIA and require a detailed landscape plan.

Southern Water

No objections to proposal.

WEST HOATHLY PARISH COUNCIL OBSERVATIONS

The Parish Council objects to the proposal on the grounds of the barn's scale and its location, particularly in relation to the impact on the neighbouring property.

INTRODUCTION

This application seeks planning permission for the demolition of an outbuilding and the erection of a barn and workshop for use by residents of the care centre and people using the centre through day services.

RELEVANT PLANNING HISTORY

HO/066/87 - Training centre / guest house. Permission granted 05.02.1988.

HO/013/92 - Agricultural training centre for persons with learning difficulties. Revised accommodation layout. Permission granted 24.04.92.

DM/23/2491 - Change of use from agricultural building to offices and a multipurpose space to be used ancillary to the care home, partially demolish the unstable structures to the front and insert new doors and windows. (Revised plans and Arboricultural Impact Assessment received 30.01.2024. Revised description agreed 31.01.2024) - Permission granted 08.03.2024.

DM/24/0984 - Re-surfacing of existing track to provide safe access to different parts of the farm. Prior Approval Not Required 26.06.2024.

DM/25/3010 - Proposed installation of a single storey timber building. Permission granted 02.03.2026.

SITE AND SURROUNDINGS

The application site comprises a parcel of land located approximately 250 metres to the northeast of Selsfield Road which forms part of Duckyls Farm Centre. The centre is a specialist residential care home and day facility for adults with learning difficulties and comprises approximately 100 acres of farmland, woodland, horticultural areas and buildings, where residents and day visitors can engage with nature and animals to develop life skills and independence. The centre also operates as a functioning farm.

The application site is currently occupied by a wooden shed and large polytunnel and is used for horticultural purposes in connection with the Farm's agricultural / care services use. The western boundary of the site is lined with established trees and hedging with a large, landscaped garden at Duckyls located beyond. Open countryside lies to the north and east whilst trees line the field boundary to the south.

The site is accessed by a long track runs to the southwest; this forms part of a public right of way (route no. 12WH) where it adjoins Selsfield Road. The PROW runs to the southeast of the site. Land levels decline to the east, providing relatively open views across the High Weald.

In terms of planning policy, the site lies within the countryside and the High Weald National Landscape (formerly Area of Outstanding Natural Beauty (AONB)).

APPLICATION DETAILS

Proposed plans show that the existing shed will be removed, and the polytunnel temporarily relocated within the site to allow a large barn building and workshop building to be erected.

The proposed barn building would be sited adjacent to the western boundary of the site and would measure 45 metres long by 13 metres wide and 6.41 metres high to the ridge of the gable pitched roof. An eaves height of 4.74 metres is proposed. The barn would primarily be used to house animals and store feed and hay; at its southern end, an office, classroom and welfare facilities consisting of 2 no. wcs and a shower are proposed.

The proposed workshop building would be located to the south of the barn building and would measure 10 metres wide by 14 metres long and a maximum of 4 metres high to the ridge of the gable pitched roof. The eaves of the roof would measure a maximum of 2.9 metres high. The building would be comprised of a workshop, kitchen / social area and welfare facilities for residents and day visitors.

Both buildings would have steel frames clad in green profiled metal cladding with timber framed windows. Plans show that solar PV panels would be installed on the roofslope of both buildings.

The proposed development would provide improved facilities for residents and visitors, with handwashing and toilet facilities provided close to where residents and visitors spend their time, allowing for better infection control. A permanent craft workshop would be provided, together with an area to store hay and animal feed, agricultural equipment, tools and PPE in a location where they are required. The barn building would also be used for animal housing, as the present agricultural barn adjacent to Duckyls Farmhouse is in relatively poor repair.

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 West Hoathly Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

- DP12 protection and enhancement of countryside
- DP16 High Weald Area of Outstanding Natural Beauty
- DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP25 community facilities
- DP26 character and design
- DP34 listed buildings and other heritage assets
- DP37 trees, woodland 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.

Relevant policies:

SA38 air quality

West Hoathly Neighbourhood Plan

The Neighbourhood Plan was made on the 16th April 2015.

There are no relevant policies.

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 is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. 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:

DPS2 sustainable design and construction
DPS4 flood risk and drainage
DPS6 health and wellbeing
DPN1 biodiversity, geodiversity and nature recovery
DPN2 biodiversity net gain
DPN4 trees, woodland and hedgerows
DPN6 pollution
DPN7 noise impacts
DPN8 light impacts and dark skies
DPC1 protection and enhancement of the countryside
DPC4 High Weald Area of Outstanding Natural Beauty
DPC6 Ashdown Forest SPA and SAC
DPB1 character and design
DPB2 listed buildings and other heritage assets
DPI6 community and cultural facilities and local services

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 NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 17 sets out the three overarching objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 18 advises that *'these objectives should be delivered through the preparation and implementation of development plans and the application of the policies in this Framework; they are not criteria against which every development proposal can or should be judged. Development plans and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

Policy S3 of the NPPF concerns the presumption in favour of sustainable development and advises:

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

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

Paragraph 2 of Appendix A advises that *'development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where 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 the publication of this Framework.'*

High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029

ASSESSMENT

The main issues deemed relevant to the consideration of this application are:

- Principle of development;
- Design and impact on character of area;
- Impact on High Weald AONB;
- Impact on trees;
- Impact on non-designated heritage assets;
- Ecology;
- Flood risk and drainage;
- Sustainability;
- Ashdown Forest.
- BNG.

Principle of development

The application site lies within the countryside.

Policy DP12 of the District Plan relates to the countryside and states that it will be protected in recognition of its intrinsic character and beauty. However, this policy is considered to have very limited weight as it is materially inconsistent with the NPPF.

Policy S5 of the NPPF is attributed greater weight. This concerns the principle of development outside settlements and states in part that:

'1. 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:

a. Development for: agriculture, horticulture and forestry; outdoor sport and recreation; allotments; cemeteries and burial grounds; mineral extraction and processing; engineering operations and infrastructure (including for transport, energy, water and telecommunications); roadside facilities in accordance with policy TR5; national defence and security; or which is solely for nature conservation, restoration and/or enhancement;

b. Development for rural businesses and services, including tourism, where a location outside settlements is shown to be necessary;...

Duckyls Farm Centre is a residential care home facility and day centre for adults with learning difficulties and provides a "care farm" environment where residents and day centres have the opportunity to connect with nature, care for animals and learn life enhancing skills while being part of a close-knit community. The centre is considered to have a mixed agricultural / residential institution use as well as providing a community service.

The Farm centre is considered to fall in both categories a) and b) as noted above and as such, the principle of development is deemed acceptable.

The proposed development would provide enhanced facilities for existing residents and day visitors. Policy DP25 of the District Plan concerns community facilities and local services and states in part that the improvement of community facilities and local services that contribute to creating sustainable communities will be supported. However, this policy is considered to have very limited weight as it is materially inconsistent with the NPPF, in particular, policy HC4, which concerns new and improved community facilities, public service infrastructure and development providing public health benefits and states in part that:

'1. Substantial weight should be given to the benefits where:

a. New or improved public service infrastructure or community facilities would be provided; and
b. Development proposals would make a demonstrable contribution towards promoting good health, preventing ill-health, reducing health inequalities or supporting social interaction in the local community (such as, but not limited to, the provision of new recreation facilities, meeting places and opportunities to grow or purchase healthier food).'

The proposed development would improve facilities at the centre and would make a positive contribution to promoting good health and wellbeing by providing opportunities for adults with learning difficulties to develop new skills such as growing food and interacting with the environment, animals and people.

In view of the above, the proposed development is deemed acceptable in principle.

Design and impact on character of area

As noted above, policy District Plan policy DP12 seeks to protect the countryside and its intrinsic beauty whilst policy DP26 relates to character and design and requires all proposals to be well designed and sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. However, both policies have very limited weight as they are materially inconsistent with the NPPF. More weight is attributed to policy N2 of the NPPF which states in part that proposals should:

'1. a. Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced (including through requirements for biodiversity net gain where these apply);

The site also lies within the High Weald National Landscape (formerly known as AONB).

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

District Plan policy 16 concerns the High Weald AONB and requires proposals within the AONB to conserve or enhance natural beauty and have regard to the High Weald AONB Management Plan. However, this policy has very limited weight as it is materially inconsistent with the NPPF. More weight is given to NPPF policy N4 which concerns protected landscapes and states in part that:

'1. 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...

4. Development proposals within the setting of Protected Landscapes should be sensitively located and designed to avoid or minimise adverse impacts on the Protected Landscape.'

In addition, the High Weald Management Plan 2024 - 2029 is a material planning consideration and has a number of objectives, including DS1 which seek to preserve the dark skies of the AONB.

The proposed barn building is significant in size, measuring 45 metres long by 13 metres wide. However, it is not considered excessively high, measuring a total of 6.41 metres to the eaves. The workshop building is more modest in scale, measuring 7 metres long by 5 metres wide and 3.6 metres high. Whilst the barn building is significant in size, the buildings have the appearance of modern agricultural buildings and will be finished with PPC steel cladding finished in a green colour (taken from the High Weald AONB Colour Study) and positioned on a concrete base. Timber framed windows are proposed to the southern, eastern and western elevations of the barn although these are kept to a minimum. More windows are proposed to the workshop building as this will serve more as a social area, however the windows are considered proportionate to the building.

The buildings are located some distance from the main group of buildings at the Farm Centre, and consequently will appear more isolated in the landscape, replacing an existing modest timber shed. However, the buildings will be sited adjacent to an established line of trees and hedging which would serve as a backdrop against the buildings within the landscape.

A Landscape and Visual Assessment (LVIA) has been provided with the application which assesses how the proposal would be viewed from points along the public footpath (12WH) that runs to the southeast of the site. This concludes that the site has established areas of natural screening through a copse of mixed, native trees and vegetation that encloses the proposed development, reducing any adverse visual effects, however it recommends that the scheme includes planting a mix of native trees and hedging to encourage biodiversity into the area and ensure that the development integrates into the site and local environment. As such the LVIA concludes that the proposed development would not give rise to any significant adverse landscape or visual effect.

It is considered that whilst the proposed buildings would be detached from the existing group of buildings at the Farm Centre that they would be effectively sited as to lessen any potential visual impact upon the landscape.

As such, the proposed development is deemed acceptable in terms of design, form, scale and siting such that it should not detract from the rural character of the area, thereby conserving the wider landscape and scenic beauty of the High Weald AONB in accordance with policies DP12, DP16 and DP26 of the Mid Sussex District Plan and relevant policies of the NPPF.

Impact on trees

Established trees and hedging lines the western boundary of the site with Duckyls whilst a large Oak tree (T2) lies to the east of the proposed barn building. A group of Ash trees (TG1) and other established trees and vegetation line the southern boundary of the field in which the application site is located.

Policy DP37 of the District Plan supports the protection and enhancement of trees, woodland and hedgerows and encourages new planting. However this is attributed very limited weight as it is materially inconsistent with the NPPF, with greater weight given to NPPF policy N2 which states that proposals should:

'd. Conserve and enhance existing natural features of visual, historic or nature conservation value (such as established trees and hedgerows) where possible; and use appropriate landscaping to help create a well-designed place and integrate the development into its surroundings;'

An Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) has been submitted. This recommends that the group of Ash trees (TG1) are felled as the trees are in poor condition with Ash Die Back clearly present. The Assessment also recommends that further investigations into the hollowness of the stem are carried out on tree T2. Additional tree and hedgerow planting is recommended to add green infrastructure to the site.

The Council's Tree Officer has reviewed the proposal and has raised no objections although has recommended that condition is imposed requiring a definitive tree protection plan to be submitted and also a detailed landscape plan. Subject to condition, the proposal is considered acceptable in that it should accord with policy DP37 of the District Plan and policy N2 of the NPPF.

Impact on non-designated heritage assets

Whilst no listed buildings immediately adjoin the site, Duckyls Farm Centre is identified as forming a historic farmstead under the West Sussex Historic Environment Record and as such it is considered that the group of farm buildings could be considered as a non-designated heritage asset (NDHA).

In addition, the proposed buildings would be located adjacent to the southeastern boundary of Duckyls which has a large, landscaped garden which appears to have been in place for the past 150 years or more. Whilst the gardens are not registered as a park or garden of special interest, given their age and appearance in Country Life magazine, it is considered that the gardens are of significance and should also be considered as a NDHA.

District Plan policy DP34 concerns listed buildings and other heritage assets and states in part that proposals affecting other heritage assets will be considered in accordance with policies in the NPPF and current government guidance. Despite this, very limited weight can be given to the policy as it is materially inconsistent with the NPPF. Policy HE7 of the NPPF concerns NDHA's and will be given greater weight, this states in part that:

'2. Where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.'

Neighbouring residents at Duckyls have raised concerns regarding the proposed siting of the barn building which would adjoin the southeastern end of the garden and tower above existing hedging, blocking light to established plantings and altering the character of the garden. The proposal would also block views of Gravetye Manor and the surrounding estate.

Whilst these concerns are noted, the southeastern part of the garden is relatively secluded and enclosed, with established trees and vegetation screening views of the wider landscape to some extent, albeit the barn building would be noticeable from the adjoining footpath that passes through the gardens, allowing glimpses of the surrounding High Weald landscape. Whilst these concerns are noted, it is considered that the barn building would likely only be visible from the southeastern part of the garden and not immediately noticeable from elsewhere within the site. Whilst the proposed development could be considered to have a harmful impact upon the setting of the established garden at Duckyls which could be considered as a NDHA of a mid to high level of significance within the local context, it is considered that such impact would be relatively low, considering the overall size of the garden. In addition, as the barn building would have the appearance of a typical agricultural building, it is not considered that the building would appear wholly out of keeping with the rural setting of the garden.

Having regard to the above and NPPF policy HE7, it is considered that the benefits of the proposal, which would consist of improved communal facilities for the Farm Centre, would outweigh any harm to the setting and significance of the NDHA.

Reference has previously been made to Gravetye Manor, a grade I listed building, which lies approximately 440 metres to the northeast of the site. Given the distance of the proposed development from the manor, it is not considered that the proposal would affect the setting of the listed building.

In view of the above, the proposed development is considered to accord with policy DP34 of the District Plan and policy HE7 of the NPPF.

Ecology

Policy DP38 of the District Plan concerns biodiversity and seeks to protect and enhance biodiversity so that there is no net loss. However, this policy is attributed very limited weight as it is materially inconsistent with the NPPF. More weight will be given to NPPF policy N2 which states in part that:

"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 the development should be refused."

A Preliminary Ecological Assessment (PEA) and Ecology and Biodiversity Net Gain (BNG) Report have been submitted. The PEA advises that the site has suitable habitat for bats, nesting birds, dormice and hedgehogs and recommends that 2 x bird boxes and 2 x bat boxes are installed in suitable locations within the site, the incorporation of a wildlife friendly planting scheme post development is also encouraged as well as a hedgehog house. Any tree planting should incorporate native species such as pedunculate Oak, small leaved Lime, Black Poplar and Wild Service tree.

The Council's Ecologist has been consulted on the proposal and is satisfied that sufficient information has been provided to ensure that appropriate mitigation measures will be secured to protect priority species and habitats. Sufficient information has also been provided to secure BNG. Subject to conditions requiring mitigation measures to be carried out in accordance with the PEA, a biodiversity enhancement layout and a wildlife sensitive lighting design scheme to be provided, the proposal is considered to comply with District Plan policy DP38 and policy N2 of the NPPF.

Flood Risk and Drainage

District Plan policy DP41 relates to flood risk and drainage and states that development proposals should seek to reduce the risk of flooding. This policy carries very limited weight as it is materially inconsistent with the NPPF. More weight will be given to NPPF policy F7 which states that *'development proposals should not present a risk from flooding to potential occupiers, users, or visitors and should not increase flood risk elsewhere'*. NPPF policy F8 is also relevant, requiring proposals to incorporate sustainable drainage systems.

The site lies within flood zone 1 and is at low risk of fluvial flooding and also lies within an area of very low to high surface water flood risk for the present day.

A Foul Drainage Assessment and Sustainable Drainage Strategy have been submitted. Domestic foul waste water from the development will be managed by a new package treatment plant with a separate dedicated drainage network to capture and convey all farmyard drainage to a below-ground sealed holding tank. Surface water runoff from the roofs of the buildings will be directed to a proposed rain garden before discharging to a below ground active attenuation tank which also serves as a rainwater harvesting facility supplying water for WC flushing, irrigation and wash-down.

The Council's Flood Risk and Drainage Team has reviewed the proposal and raised no objection subject to condition that further details are provided prior to development works commencing on site.

The proposed development is therefore deemed acceptable from a drainage and flood risk perspective, thereby complying with policy DP41 of the District Plan and policies F7 and F8 of the NPPF.

Sustainability

Policy DP39 of the District Plan concerns sustainable design and construction and requires proposal to improve the sustainability of development by incorporating appropriate and feasible measures such as renewable sources of energy. However, this policy carries very limited weight as it is materially inconsistent with the NPPF and therefore more weight is given to NPPF policies CC2 and DP3 which require proposals to use design approaches which conserve energy and contribute to climate change mitigation.

An Energy and Sustainability Statement has been submitted with the application. This states that the buildings will be constructed using thermally efficient building fabric and building services to limit energy demand. Solar PV panels are also proposed on each building to provide electricity, with air source heat pumps proposed to provide heating.

As previously noted, rainwater harvesting is also proposed to be used.

In view of the above, the proposed development is considered to incorporate sustainable measures, thereby according with policy DP39 of the District Plan and relevant paragraphs of the NPPF.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so **mitigation is not required**.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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 potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

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

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

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

Other matters

Neighbouring amenities

It is noted that the residents at Duckyls have raised concerns that the barn building would appear imposing, reducing light levels to established plants and altering the character of the garden. Whilst development plan policy DP26 concerns neighbouring amenities and requires that proposals do not cause significant harm in terms of impacting light levels, more weight is given to NPPF policy P3 which requires that proposals do not cause unacceptable harm. As the dwellinghouse and immediate garden area are some distance from the proposed development, it is not considered that the proposal would cause unacceptable harm in this respect.

Biodiversity Net Gain

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

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

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

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
- (b) the planning authority has approved the plan (see paragraph 15)'.

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 West Hoathly Neighbourhood Plan.

Policy S3 of the revised NPPF states that decisions on development proposals should apply a presumption in favour of sustainable development. As the proposed development falls outside a settlement and is considered an approved form of development as listed under policy S5: 1. of the NPPF, the principle of development is deemed acceptable. This policy states that the proposal 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 Framework.

The proposed development is deemed acceptable in terms of design, form, scale and sustainability and would be effectively sited such that it should not appear visually obtrusive within the landscape or in views from the public right of the way. The wider landscape and scenic beauty of the High Weald AONB should be conserved. The proposed development is also deemed acceptable from an ecological perspective with regards to impact upon trees, protected and priority species and habitats and impact upon the Ashdown Forest and would result in a 10% biodiversity net gain. Consideration has been given to ensure that the proposal should not exacerbate flooding and is acceptable from a drainage perspective.

Weighing against the scheme are concerns that the development would have a harmful impact upon the adjoining garden at Duckyls which can be considered a NDHA, however it is considered that such harm would be outweighed by the public benefits of the proposal, such as improved facilities for the Farm Centre which serves as a residential care home and day centre for adults with learning difficulties.

The proposed development therefore accords with policies DP12, DP16, DP17, DP25, DP26, DP34, DP37, DP38, DP39 and DP41 of the Mid Sussex District Plan, policy SA38 of the Mid Sussex Site Allocations DPD and relevant policies of the NPPF.

Decision: Permission

Case Officer: Deborah Lynn