

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2263	Case Officer:	Anna Tidey
Application Type:	Full Application		
Proposal:	Erection of a replacement dwelling with annexe accommodation following demolition of existing dwelling and annexe.		
Site:	Lake House, Old Hollow, Copthorne, Crawley, West Sussex, RH10 4TB, ,		
Validation Date	21 Nov 2024	Overall Expiry Date:	27 Jun 2025
Pre-Commencement Conditions Required:	Yes	Pre-Com Conditions Date Agreed:	6 Oct 2025
Recommendation:	Permission	Recommendation Date:	6 Oct 2025
Target Date:	16 Jan 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	Stephen Ashdown	Date:	6 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2263

**Lake House, Old Hollow, Copthorne, Crawley, West Sussex, RH10 4TB,
Erection of a replacement dwelling with annexe accommodation following demolition of existing
dwelling and annexe.
Ms Alexandra Potamianos**

SUMMARY OF REPRESENTATIONS

Two representations received, which contain the following points:

- The area is of natural beauty.
- The Mill and associated cottage are listed buildings.
- The proposed demolition of the existing house and annex and the current design will irrevocably change the existing aspect and setting.
- It will also affect the natural aspect and feel of the lake.
- The original house has architectural merit and although not listed does fit in with the aesthetic of the area.
- the annex also has merit and historical value as an example of modern 1960s architecture and design and is featured on the RIBA website which forms the digital part of the British Architectural Library (it features the existing Studio flat in its library of images).
- the lake is a fishing lake in a beautiful setting which has been relatively unchanged for hundreds of years.
- high risk of pollution and danger for any animals and fish with this level of development and demolition.
- The path along the side of the lake is used for fishing and will be negatively impacted by the level of demolition and development.
- the proposed development will have a negative impact on the landscape and locality
- detrimental effect on the character of the local area.
- out of scale and out of character with the existing heritage assets in the area.
- Concern regarding the access and use of the Fishermans Path running along the west bank of Rowfant Mill Pond is protected and preserved, which is not a public footpath, but a long-standing path used almost exclusively by the Copthorne & District Angling Society for fishing the pond and to enable pond and fishery maintenance.
- during the demolition and construction process, due care must be taken to prevent potential pollutants and contaminants entering the pond/watercourse, as sewage, oil and fuel are all lethal to fish and other pond wildlife.
- The proposed development lies midway along the west bank of Rowfant Mill Pond, a beautiful tree-lined 7-acre lake.
- Rowfant Mill Pond has 5 different owners. Some own water and bank, some own bank but not water. There are 2 land registers that draw 2 invisible lines right across the pond, east to west. The proponents of the Lake House re-development own part of the west bank, but do not own any part of Rowfant Mill Pond itself.
- The Copthorne & District Angling Society have enjoyed exclusive, unfettered access and use of the Fishermans Path to enable fishing on Rowfant Mill Pond since 1929.
- The Copthorne & District Angling Society, representing its membership, does not in principle object to the proposed development DM/24/2263 in itself, provided access and use of the Fishermans Path is protected and preserved, during the demolition and construction process, site workers take due care and attention to the health and safety of anglers and due care is taken to prevent potential pollutants and contaminants entering the pond or watercourse.

Amended Plans: Two representations received, which reiterate the above points.

SUMMARY OF CONSULTEES

MSDC Ecology Consultant

We have reviewed the Bat Survey Report (David Archer Associates, August 2024) and Preliminary Ecological Appraisal (David Archer Associates, July 2024), relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of appropriate mitigation measures.

We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required. This includes the Preliminary Ecological Appraisal (David Archer Associates, July 2024) and Statutory Biodiversity Metric - Calculation Tool (July 2024). Recommend approval, subject to conditions.

We note from the Bat Survey Report (David Archer Associates, August 2024) that a licence for bats will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. We agree that no further surveys are required for bats.

We understand from the Preliminary Ecological Appraisal (David Archer Associates, July 2024) that, although there are records of Hazel Dormouse within 2km of the site, the boundary vegetation will be retained. We therefore agree that no further measures for this species are required.

We support the Precautionary Method Statement for reptiles and mobile protected species (including Hedgehog, which is a Priority and threatened species) in Sections 5.2.3 and 5.2.10 of the Preliminary Ecological Appraisal (David Archer Associates, July 2024). This should be secured by a condition of any consent and implemented in full.

We are satisfied that there is sufficient ecological information available to support determination of this application.

The mitigation measures identified in the Bat Survey Report (David Archer Associates, August 2024) and Preliminary Ecological Appraisal (David Archer Associates, July 2024) should be secured by a condition of any consent and implemented in full.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (David Archer Associates, July 2024)) to avoid impacts from light disturbance.

We support the submitted Preliminary Ecological Appraisal (David Archer Associates, July 2024) and Statutory Biodiversity Metric - Calculation Tool (July 2024).

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements.

Recommend approval subject to conditions.

Naturespace Newt Officer

It is considered that the proposed development is unlikely to have an impact on great crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping, I recommend that an following informative should be attached to planning consent.

Environmental Health Officer

Recommends that MSDC Flood Risk and Drainage Department are consulted with regards to possible lake contamination issues.

Conservation Officer

The existing house on the site appears to date from around the mid C20th, and although it is quite attractive I don't think it would fit the criteria for an NDHA.

However, the sheer scale of the proposed development is such that I think there may be a visual impact on views looking along the mill pond from Rowfant Mill and the Mill Cottage. I would therefore recommend that the application is advised as affecting the settings of these listed buildings.

Further comments: The proposed development site is a detached mid-century house located in a rural position to the south of Copthorne village. The main house is of two storeys and in a broadly vernacular style with weatherboarded elevations and a clay tiled roof. A more recent part one/part two storey annexe has been built into the slope of the hill to the north east, where the ground slopes down towards Rowfant Mill Pond. This is a substantial body of water- to its northern end adjacent to the mill sluice and stream sit the former Rowfant Mill, and Rowfant Mill Cottage, both of which are Grade II listed, with associated ancillary buildings, which are likely to be regarded as curtilage listed or as NDHAs.

There is a further listed building a short distance to the west at Ley House, which is a Grade II listed former farmhouse dating from the C17th or earlier, with an associated range of former farm buildings which may be regarded as curtilage listed or NDHAs. The assemblage of buildings, formerly known as Layhouse Farm, is recorded in the West Sussex Historic Farmstead and landscape character assessment as a historic farmstead of the post medieval period.

The current proposal is for the demolition of the existing house and annexe at Lake House and construction of a replacement dwelling. The replacement building is over an amended footprint, further to the east and closer to the lake frontage. It consists of two linked substantial two storey buildings, and is significantly greater in scale and bulk than the existing house. The apparent bulk of the building is, in my opinion, further increased by the monolithic form of each of the two linked buildings.

The application is not accompanied by a Heritage Statement. Given the scale of the proposed replacement dwelling and its proximity to both Rowfant Mill and Ley House, I would consider that a statement prepared according to the staged approach set out in the relevant Historic England guidance (GPA Note 3 'The Setting of Heritage Assets') should be submitted.

Having visited Rowfant Mill recently it is my opinion that the replacement dwelling has the potential to be visually intrusive in the currently uninterrupted rural views looking south from the Mill buildings along the mill pond. A verified view or photomontage of the development from an agreed viewpoint on the track to the north of the Mill would be helpful to determine this.

Further comments: Further to a site visit I remain concerned regarding the excessive scale of the proposed replacement dwelling, and the manner in which its bulk will be exacerbated by the monolithic form of the two linked principle ranges. Having viewed the site, however, I would suggest that the impact on views from Ley House and its immediate garden setting should also be addressed by appropriate verified views. In terms of the impact on the Rowfant Mill grouping, in addition to agreed viewpoints adjacent to the buildings themselves, I would add views from appropriate points along the approach to the Mill along the PROW to the north east.

I can provide further comments on receipt of these views, noting also that we now have a heritage statement before us.

Amended Plans -Further comments: The application has been amended to reduce somewhat the scale of the proposed new dwelling, although it remains substantial in size, and to reposition the footprint so that the northern range is set further away from the shore of the adjacent mill pond. There have also been changes made to the proposed palette of materials. In addition, we have received two photographic views from the vicinity of Rowfant Mill showing the outline of the house in context. We do not appear to have received any of the other visuals previously requested, including no analysis of the impact on views from Ley House.

On the basis of the information in front of us, I remain concerned that the proposal will result in an increase in the visibility of the built form at Lake House over the existing situation, particularly in winter, which may have some detrimental impact on the setting of Rowfant Mill and the currently uninterrupted

rural views and vistas from the Mill and Mill Cottage over the adjacent Mill Pond. This will have, in my opinion, a negative impact on the contribution currently made by setting to the special interests of these historic rural buildings and the manner in which these are appreciated. I would place the level of harm caused at the lower end of the less than substantial spectrum, in terms of the NPPF, so that paragraph 215 will apply.

In the absence of the requested further information it is not possible to comment on the impact on Ley House.

Tree Officer

I have reviewed the Arboricultural Impact Assessment and Arboricultural Method Statement, including Tree Protection Plan for this proposal.

I note the category C oak (T4) is to be removed and it is stated that the removal of this tree could be mitigated through new planting elsewhere on the site. I disagree with this, as a mature (potentially veteran tree) would have a high ecological value that would take years for a newly planted tree to reach that level of ecological value. Is it necessary to remove this mature oak tree? Could it not be left as a monolith, to retain the ecological value? As this tree has been categorised as a category C, I could not object to the application but would like to see it retained in some form. It would be disappointing to lose it.

MSDC Flood and Drainage

We have no objection on Flood Risk grounds. This is subject to the development is built as per the submitted plans, no sleeping accommodation on the ground floor and the proposed finished floor levels (FFLs) being set no lower than 82.5mAOD, with all sleeping accommodation to be set at a minimum of 83.4 mAOD.

As an advisory, we would suggest the Applicant considers the resistance and resilience measures suggested within the EA advice and implements any they deem appropriate due to the increased flood risk in the vicinity of this as a residential site (which are classified as 'more vulnerable').

Surface Water Drainage -The principle of the surface water drainage system is considered acceptable. Calculations will need to be provided to demonstrate betterment onsite at the detailed design stage. Cross sections of the gravel path should also be provided to demonstrate that it will provide the same pollution mitigation as permeable paving. Information into our general requirements for detailed surface water drainage design is included within our 'General Drainage Information Guide'. This level of information will be required to address the recommended drainage condition. To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required in relation to climate change etc prior to undertaking detailed design.

Foul Water Drainage -Details of any new sewage treatment plant should be provided at the detailed design stage. The principle of the foul water drainage system is considered acceptable. Information into our general requirements for detailed foul water drainage design is included within our 'General Drainage Information Guide'. To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design.

We recommend a condition to require the submission of details of the proposed foul and surface water drainage and means of disposal to be submitted to and approved in writing by the local planning authority.

Advice is also provided with regards to Ordinary Watercourse Consent, and this is attached as an Informative.

MSDC Housing Standards Officer

I have checked the plans and I do not see any issues with the proposed plans.

Southern Water

Southern Water has determined the Flow rate for the above site will remain the same/similar as capacity is not an issue and no southern water assets will be affected. Therefore, Southern water has no objections to this proposal.

Surface water should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations. Any new connections to the public sewerage system will require a New Sewer Connection application (a Section 106) to be submitted and approved by Southern Water

PARISH COUNCIL OBSERVATIONS

Worth Parish Council: Defer to Officer.

INTRODUCTION

This application seeks planning permission for the demolition of the existing 4 bed dwelling and 2 bed annexe and the erection of a replacement 5 bedroom dwelling with a 1 bed attached annexe.

Amended Plans have been received during the course of determining the application to amend the design of the new dwelling and to relocate it further from the lake than the existing house, and to the south west of its original proposed position.

RELEVANT PLANNING HISTORY

DM/24/1270. Prior Notification - Larger Extensions. Erection of a single storey rear extension, extending beyond the rear wall of the original house by 8.00m, to a maximum height of 4.00m, to the height of the eaves to 3.00m. Prior Approval Not required July 2024.

DM/24/1251. Prior Notification - Larger Extensions. Erection of a single storey rear extension, extending beyond the rear wall of the original house by 8m, to a maximum height of 3.86m, to the height of the eaves to 3m. Prior Approval Not required July 2024.

DM/24/0817. Prior Notification - Larger Extensions. Erection of two single storey rear extensions extending beyond the rear wall of the original house by 8m, to a maximum height of 3.84m and the height of the eaves to 2.9m. Withdrawn May 2024.

DM/24/0816. Lawful Development Certificate -Proposed. Proposed outdoor swimming pool. Proposed pool room / studio / gym building. Approved May 2024.

SITE AND SURROUNDINGS

Lake House is a detached house on a 0.23 hectare site, located in a rural location on the eastern side of Old Hollow. The house and associated annexe are accessed via a private driveway, off a shared access road. The property benefits from an extensive garden plot and adjoins a large lake, which extends alongside the eastern site boundary.

The existing house on the site appears to date from around the mid 20th century, and is currently vacant. The existing living accommodation is located on two floors.

The existing house has a traditional two storey appearance with dark stained horizontal wooden clad walls, pitched roofs finished with plain tiles and white windows. The attached annexe section is of a contrasting design. It is two storey in height with a flat roof. It is attached to the house with a partly glazed link corridor. The annexe extends from the north eastern corner of the house towards the lake and has large windows at the rear to overlook the lake. The annexe is constructed in brick at ground floor and is finished on the first floor with horizontal white UPVC cladding. Internally the annexe contains a double garage, boiler room and stores on the ground floor and at first floor level an open plan studio space, with two bedrooms and two bathrooms.

The site is located in a remote rural setting, within the open countryside and in the CA2 Agricultural Belt Character Area, as defined in the Copthorne Neighbourhood Plan.

There is a public footpath (WSCC path No: WOR/12W/1) which is routed along the shared access lane which serves Lake House and the adjacent dwellings at Rowfant Mill and extends to the east and west of the site. This public pathway is located some 124m to the south of the house. There are also tracks along the lake shores which are used by the local Angling club.

The adjacent lake is within an area at risk of surface water flooding. The site also lies within the Red Impact Risk Zone for Great Crested Newts.

APPLICATION DETAILS

This application seeks planning permission to demolish the detached house at Lake House, and to build a new contemporary designed dwelling.

The existing house has been vacant for some time, but externally it appears to remain in a reasonably good state of repair. The existing living accommodation is situated over two floors, being split between the main older part of the house and the attached annexe building, which extends towards the lake.

The proposed new dwelling is located partly over the existing building footprint, with the living accommodation located on two floors.

The proposed new dwelling has an H shaped footprint and is sited further away from the lake than the annexe. The position of the proposed house will allow for the retention of the existing circular driveway to the front of the existing house, with the associated trees which characterise the approach.

The accommodation in the new house is laid out in a pair of two storey gabled sections with a lower central link. The proposed house has been designed to reflect the sloping levels on the site, with the principle part of the house sited on the higher level. The annexe section with the integral garage is located on the lower ground closer to the lake.

Amended plans have been sought to address design concerns during the course of the application. The revised plans have reduced the overall scale of the house and annexe. The submitted profile plans illustrate the relative heights of the proposed dwelling relative to the elevations of the existing house.

The maximum ridge height of the existing house is 7.8m, as viewed from the rear elevation, and the annexe is 5.7m to the highest point of the flat roof from the northern eastern side.

The proposed new dwelling has a maximum ridge height of 7.9m, with eaves at 4.8m, and the ridge height on the annexe reaches 5.2m in height, with the eaves at 2.3m in height.

The proposed house is orientated differently, with a greater building depth to the existing house, with a new, contemporary design.

Detailed floor plans show the main entrance into the house located centrally, leading into the main part which will contain an open plan kitchen, dining and living room off a hallway serving a study and toilet. The annexe part will be internally linked and provides a small open plan kitchenette and living room to the rear of the integral garage on the ground floor. At first floor level there is a bedroom and studio, each with French doors and a Juliette balcony and a separate bathroom.

At first floor level the main house will accommodate 5 bedrooms. The master bedroom at the rear has an external balcony. The two front bedrooms also each have French doors and a Juliette balcony to light and ventilate those rooms.

The application has been accompanied by 3D visualisations of the form and design of the new house, which shows how the house will site on the land contours and its overall materials palette and style. This also illustrates the proposed feature chimney on the south western side of the house and the inset gable design on the rear elevations.

The submitted application form details the intended construction materials for the proposed new house, which include: walls in brick with timber cladding, concrete tiled roof and grey / brown double glazed aluminium window and door units

The submitted Planning Statement explains that the proposed dwelling has been designed to create a contemporary building with traditional detailing. It states: 'The redevelopment of the site offers an opportunity to create a new more comprehensive form of development, with a good sized two storey dwelling and self-contained annexe, taking advantage of the water front setting adjacent to the lake.' It also states that the size of the replacement dwelling has had regard to a recently approved prior approval for a rear extension and a certificate of lawfulness for outbuildings.

The Planning Statement confirms that the proposed new house would have a floor area 590 square metres. The existing dwelling and annexe have a floor area of 476 sq m, although the permitted extensions would increase this to 598 sq m. The replacement house would therefore represent a 24% floorspace increase over the existing, but would be 8.5 sq m smaller than the house, if it were enlarged as permitted.

The application has been accompanied by a detailed Planning Statement, a Heritage Statement, Flood Risk Assessment, Arboricultural Report, Verified Views, BNG Metric and Statement, Foul and Surface Water Drainage Strategy, Preliminary Ecological Appraisal, Bat Survey Report, Sustainability and Energy Assessment Statement. These documents are available to view on the planning file.

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, the Copthorne Neighbourhood Plan and Site Allocations DPD.

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
DP6 Settlement hierarchy
DP12 Protection and Enhancement of Countryside
DP15 New Homes in the Countryside
DP21 Transport
DP26 Character and design
DP27 Dwelling Space Standards
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.

There are no relevant policies.

Neighbourhood Plan

The Copthorne Neighbourhood Plan was adopted on 29th September 2021.

Policy CNP1 - General Development Requirements
Policy CNP9 - CA2: Agricultural Belt
Policy CNP15 - Car Parking

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

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 the 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:

DPC1 Protection and Enhancement of Countryside
DPB1 Character and Design
DPB2 Listed Buildings and other Heritage Assets
DPT4 Parking and Electric Vehicle Charging Infrastructure
DPH11 Dwelling Space Standards
DPS2 Sustainable Design and Construction

DPN1 Biodiversity, Geodiversity and Nature Recovery
DPS6 Health and Wellbeing
DPB1 Character and Design

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.

ASSESSMENT

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

- Principle of development
- Design and impact upon countryside setting
- Impact upon nearby Listed Buildings
- Dwelling Space Standards
- Impact on residential amenities
- Impact upon trees

- Highway, Access and parking
- Flood Risk and Drainage
- Sustainability
- HRA Assessment
- Ecology
- Biodiversity Net Gain

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 Copthorne 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.'

The proposed residential development does not meet any of these criteria.

Policy DP15 of the District Plan relates to new homes in the countryside and allows for replacement dwellings in the countryside. In this regard Policy DP15 states:

'Replacement dwellings in the countryside

Replacement dwellings in the countryside will be permitted where:

- The residential use has not been abandoned;
- Highway, access and parking requirements can be met; and
- The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.'

Also relevant in the consideration of this application is the guidance with regards to Rural Housing contained within the NPPF. This states at paragraph 84:

'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- (d) the development would involve the subdivision of an existing residential building; or*

(e) the design is of exceptional quality, in that it:

-is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

-would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area'.

Lake House is located off The Hollow to the south of Copthorne. The house is located within a rural setting beyond the village boundary. Residents will be reliant on a car to access local services.

The proposed dwelling has been designed to meet the applicants needs and to replace the existing dwelling and annexe at the site with a modern new home.

The new dwelling has been designed to be sustainable. Designed in features include: large areas of glazing to maximise solar gain / benefit, good levels of natural lighting, thermal efficiency and natural ventilation to avoid overheating issues, a high degree of insulation and airtightness to maximise energy efficiency, use of low energy light fittings and energy efficient appliances. It is also proposed to use materials which are sustainable, using where possible locally sourced materials.

The proposal is acceptable in principle as it is for a one for one replacement dwelling that accords with District Plan Policy DP15.

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 or 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.

Reference to the relevant policies contained in the Copthorne Neighbourhood Plan will be made later in this assessment.

The proposal is acceptable in principle as it is for a one for one replacement dwelling that accords with District Plan Policy DP15.

Design and impact upon countryside setting

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. The wording of Policy DP26 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 DP29);*
- * 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.'*

The site is located within the Copthorne Neighbourhood Plan CA2: Agricultural Belt Character Area. This area is characterised by 'historic farmsteads which are scattered across an agricultural and wooded landscape. There is a sense of tranquillity due to the limited road network and sparse development, where 'Policy CNP9 sets out a policy approach for the Agricultural Belt Area. It draws on the finding of the Heritage and Character Appraisal. It requires that development proposals should sustain and where practicable reinforce the positive aspects of the character area and respond positively to the identified sensitivity to change matters'.

Also relevant in the determination of the application is the design guidance contained in the Mid Sussex Design Guide, which seeks good design in all forms of new development.

The proposal has been designed with careful consideration to the rural setting of the existing dwelling and the needs of the applicant. The existing house fails to provide the living accommodation required by a modern family and, being split into two parts, will be difficult to maintain.

The proposed dwelling represents a new and contemporary design approach for the site and has been the subject of ongoing design discussions to reach the amended design.

The new dwelling will be located in a similar position on the site, partly over the footprint of the existing house. It is considered that the submitted profile drawings illustrate that the new house will sit well within the site contours and that the design is appropriate to the setting.

The house has been carefully designed to result in a new sustainable dwelling. Whilst of a significantly different appearance to the existing house, it is considered that the scale and appearance of the proposed contemporary dwelling is acceptable. It has been designed to reflect the contours and layout of the existing site. The retention of trees around the new dwelling will ensure that the new building blends into the established garden and lakeside setting.

The design, external materials and scale of the proposed dwelling are considered appropriate. The siting of the new dwelling will maintain the significant distance from the closest of the nearby properties. Given the siting of the dwelling and the colour palette of the chosen construction materials it is considered that the new house will not visually harm public views from the nearest public vantage points or from the public footpath to the south.

Also relevant in the determination of the application is the design guidance contained in the Mid Sussex Design Guide, which seeks good design in all forms of new development.

It is considered that the proposal would also comply with the design aims of District Plan Policy DP26 of the Mid Sussex District Plan, Policy CNP9 and the aims of the CA2 designation in the Copthorne Neighbourhood Plan and the principles of the Mid Sussex Design Guide.

Impact upon nearby Listed Buildings

Lake House is sited within its own grounds. There are Grade II Listed houses located some 140m to the south east at Rowfant Mill and Rowfant Mill Cottage and 290m to the west at Ley House.

In her comments regarding the proposed new house the Conservation Officer has referred to the settings of these dwellings. She has expressed her views regarding the visual impact of the proposed new dwelling in its original and amended forms upon views looking along the mill pond from Rowfant Mill and the Mill Cottage, and considers that the proposal will affect the settings of these listed buildings.

The application has been supplemented with the submission of a Heritage Statement and Verified views to address comments from the Conservation Officer. She considered that the level of harm caused is at the lower end of the less than substantial spectrum, in terms of the NPPF, so that paragraph 215 will apply.

District Plan Policy DP34 is relevant in the determination of this application. This requires development to protect listed buildings and their settings, and states:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- Special regard is given to protecting the setting of a listed building;*
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.'*

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraphs 212 - 215 of the NPPF provide advice to Local Planning Authorities regarding development proposals that affect heritage assets.

Whilst the views of the Conservation Officer are understood it is considered that due to the significant distances which separate the site from the listed buildings at Rowfant Mill and Ley House and it is not considered that the new dwelling will impact on the setting of the nearby Listed Buildings, and the proposal therefore complies with Policy DP34 of the District Plan.

Dwelling Space Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 - Dwelling Space Standards of the District Plan, which refers to open market dwellings, affordable housing, the full range of dwelling types as well as dwellings created through conversion, supports this.

The proposal is to form a 5 bed dwelling with a 1 bed annexe. For a two storey, 6 bed property the standards require a minimum gross internal floor area of some 123-132 sqm. The proposed new house will provide 590 square metres of floor space, which is considerably larger than the minimum requirements for a 6 bed property.

The proposed bedrooms in the new house will accord with the single bedroom size of 6.5 sq m and double bedroom size of 10 sq m minimum, the smallest bedroom measuring a minimum of 11.9 sq m.

As the replacement dwelling will exceed the National Dwelling Space Standards the proposed development would provide a satisfactory standard of accommodation for future occupiers, providing

means of escape, adequate heating and ventilation is provided with natural lighting available to the kitchen, bedrooms and living room spaces.

The proposal complies with the requirement of Policy DP27 of the District Plan for new dwellings, and will meet the national housing standards.

Impact on residential amenities

The nearest properties to the proposed replacement dwelling are located a long way from the development site. As such any impact from the development and future visual impact to the occupiers of those properties from the completed development will be very limited.

It is considered that there will be no overlooking or overbearing impact as a result of the proposed siting of the new house. Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan with regards to the amenities of adjoining properties.

Impact upon trees

District Plan Policy DP37 is relevant in determining applications where development works could impact upon established trees growing on or near the site, which 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:
o incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and
o prevents damage to root systems and takes account of expected future growth; and
o where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and
o has appropriate protection measures throughout the development process; and
o 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
o 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
o the contribution of the trees to the character and visual amenity of the local area; and
o the amenity and nature conservation value of the trees; and
o the extent and impact of the works; and
o 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 application has been supported by the submission of an Arboricultural Report, Arboricultural Impact Assessment and Arboricultural Method Statement, including a Tree Protection Plan which have been reviewed by the Council's Tree Officer.

The Tree Officer has noted the proposed felling of a category C oak tree (T4) which is located to the front of the house and close to the existing annexe building. Other trees to the front of the house are to be preserved and protected from the development works with protective barriers. The potential to retain the oak tree (T4) as a monolith has been discussed with the applicant's agent. The possibility of retaining that tree has been dismissed as it would mean re-routing the driveway, thereby impacting the root protection zones of other healthy trees in the centre of the circular driveway to the west. The tree is not a veteran tree, and so in this case its loss, whilst regrettable, is not sufficient reason to object to the proposed replacement dwelling.

To ensure that the development accords with the requirements of District Plan Policy DP37 it is recommended that the approval for the development is subject to a planning condition to require that the works are undertaken in accordance with the submitted Tree survey, impact assessment and method statement and Tree Protection Plan in the submitted Arboricultural Report by Mark Welby, and in accordance with the recommendations set out in the British Standards Institute publication BS 5837:2012 Trees in relation to design, demolition and construction.

Highway, Access and Parking

The dwelling at Lake House benefits from an established private access drive off the shared access track from Old Hollow. The replacement dwelling will maintain the existing access and there will be no change for the occupiers in terms of access to services and facilities. The current occupiers will be reliant on the car, as will future occupiers of the replacement dwelling.

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

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- A high quality transport network that promotes a competitive and prosperous economy;*
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- Access to services, employment and housing; and*
- A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*

- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

Paragraph 115 of the NPPF is relevant in respect of transport matters. It states:

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

(a) sustainable transport modes are prioritised taking account of the vision for the site, 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 48 ; 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 through a vision-led approach.'

The proposal utilises the existing vehicular access point, with no alterations proposed to the public highway.

The proposed floor plan demonstrates that two car parking spaces will be provided in the new integral garage and there is adequate space on the existing turning circle to accommodate additional external spaces to serve the proposed dwelling.

The WSCC Car Parking Standards require a dwelling of this size and location to provide 2.7 car parking spaces. There is sufficient space in the proposed building layout to meet the parking standards for the new 6 bed property.

There is sufficient storage space in the garage for cycle parking provision. Cycling is a viable option in the area for confident cyclists.

It is considered that the development, which includes the demolition of the existing buildings on the site can be implemented without causing highway safety issues. Planning conditions to secure car and cycle parking for the new house are recommended to accord with the aims of District Plan Policy DP21.

Flood Risk/Drainage

The application has been supported by the submission of a Foul and Surface Water Drainage Strategy and a detailed Flood Risk Assessment (FRA).

Policy DP41 of the District Plan relates to flood risk and drainage seeks to ensure development is safe across its lifetime and will not increase the risk of flooding elsewhere.

The proposed dwelling is located on land next to a lake which is subject to potential flooding issues. As a result the drainage details for the development have been subject to careful consideration by the Council's Flood and Drainage Team of engineers.

They consider that the applicant has demonstrated that the proposed development fits within the EA Standing Advice for more vulnerable developments and have no objection on Flood Risk grounds.

A planning condition is recommended for prior approval of both the foul and surface water drainage design prior to the commencement of the development. This condition is considered acceptable for a

replacement dwelling. With such a pre commencement condition in place the proposal will accord with the aims of Policy DP41 of the District Plan.

Sustainability

Policy DP21 of the District Plan relates to transport and requires schemes to be '*sustainably located to minimise the need for travel*' and take '*opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking*'. In addition it requires where '*practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*'

District Plan Policy DP39 is relevant in the determination of this application. This 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:

- o Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- o Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- o Use renewable sources of energy;*
- o Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- o Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- o 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 164 of the NPPF states:

'New development should be planned for in ways that:

avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through incorporating green infrastructure and sustainable drainage systems; and help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings in plans should reflect the Government's policy for national technical standards.'

It is relevant that this application is for a replacement dwelling on the site. The application was submitted with an accompanying Sustainability and Energy Statement to support that the new dwelling will be energy efficient. This contains details of the sustainable measures that will be included in the new dwelling. In summary these include:

- designed with materials which are sustainable, where possible locally sourced materials
- opportunities for renewable technologies, eg. air source or ground source heat pump
- low energy light fittings and energy efficient appliances
- water efficient fixtures and fittings will be specified to ensure that water usage is limited to 110 litres per person per day.

There is sufficient evidence to support the proposed new build dwelling as a sustainable development on this site. Therefore the new property will accord with the requirements of District Plan Policy DP39 and the aims of the NPPF in terms of sustainability.

HRA Assessment

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment

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

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

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

Ecology

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity.

The NPPF refers to Conserving and enhancing the natural environment in Chapter 15. Paragraph 193 of the NPPF refers to habitats and biodiversity. It states:

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

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;

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;

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 reasons⁷⁰ and a suitable compensation strategy exists; and

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 application was accompanied by a Bat Survey Report and BNG supporting information, including a Statutory Biodiversity Metric and Biodiversity Net Gain Statement. These documents have been reviewed by the Ecological adviser and they are satisfied that there is sufficient ecological information available for determination, subject to planning conditions to require mitigation and a wildlife friendly lighting strategy is implemented to avoid impacts from light disturbance. Planning conditions are recommended to ensure these details are provided.

The site lies within a Red Impact Risk Zone for Great Crested Newts. The Newt Officer has recommended that an Informative is attached to the planning permission to draw attention to the likely presence of Great Crested Newts (GCN) at the application site and how to protect them from the development.

On this basis the application complies with Policy DP38 of the District Plan and the relevant NPPF guidance.

PLANNING BALANCE AND CONCLUSION

Overall, it is considered that the principle of a replacement dwelling is acceptable on this site, subject to appropriate planning conditions, listed below.

The proposal would comply with the aims of Policies DP12, DP15, DP21, DP26, DP27, DP34, DP37, DP38 and DP41 of the Mid Sussex District Plan, Policies CNP1, CNP9 and CNP15 of the Copthorne Neighbourhood Plan, the principles of the MSDC Design Guide and the objectives of the National Planning Policy Framework. As such, it is recommended that planning permission should be granted for the proposal, subject to a number of planning conditions.

As a result, it is 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.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, the proposal would not result in a net increase in dwellings on the site. The proposal would result in construction jobs over the life of the build. Because, however, of the small scale of the development proposed these benefits would be very limited.

The proposal would have a neutral effect in terms of design/character, impact on the countryside, impact on heritage assets, highways and parking, neighbouring amenity, ecology, sustainable design, housing standards and flood risk and drainage.

In weighing up these issues, when taken together, it is considered that there are no adverse impacts of the development which would significantly or demonstrably outweigh the benefits of the proposal.

There are no other material considerations that would alter the above planning balance.

In light of the above, it is recommended that the application is approved.

Decision: Permission

Case Officer: Anna Tidey