

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2317	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Change of use and conversion of former Congregational Church building to provide a single dwellinghouse with associated secure cycle storage provision, vehicle parking, bin storage and private amenity space.		
Site:	Congregational Church, Street Lane, Ardingly, West Sussex, , , ,		
Validation Date	30 Jan 2025	Overall Expiry Date:	28 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	10 Apr 2025
Target Date:	27 Mar 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	6
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Signed and Agreed By:	Stephen Ashdown	Date:	10 Apr 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2317

**Congregational Church, Street Lane, Ardingly, West Sussex, , ,
Change of use and conversion of former Congregational Church building to provide a single dwellinghouse with associated secure cycle storage provision, vehicle parking, bin storage and private amenity space.
Mr S French**

SUMMARY OF REPRESENTATIONS

Four letters of representation have been received which raise the following concerns:

- No rear access to be property down to the side of The Manse, emergency only
- Eastern boundary of the site is incorrect, the front wall to the east belongs to Street Lane House. True boundary is inline with the buttresses
- Proposed eastern windows would result in loss of privacy to Street Lane House
- Development does not provide sufficient parking to meet WSCC Guidance for Parking
- Lack of parking in the area resulting in congestion and impact on highway safety
- Parking layout does not provide sufficient space to make it useable without safety issues
- Insufficient turning space on road as it is single track

Following these comments, the redline of the application was amended along with changes to the southern side windows and the internal layout of the building. The application was then re-advertised, and two further letters of representation was received which raise the following concerns:

- Increased size of the second window on the southern elevation, faces onto The Manse and downstairs bathroom window. Impact on privacy
- Redline includes area of a privately owned road; the boundary of the property is demarcated by the boundary wall.
- Existing court order that prevents vehicles stopping or parking on the road adjacent to the church. *(Officer Comments: this is a private legal matter and not a planning consideration)*
- Require funds for construction access or any potential damage to the road caused by works *(Officer Comments: this is a private legal matter and not a planning consideration)*

Following these comments the redline of the application was further amended and the application was re-advertised. Two further letters of representation have been received which raise the following comments:

- Where construction traffic will park as the access cannot be used for parked or stopped vehicles
- Increased size of the second window on the southern elevation, faces onto The Manse and downstairs bathroom window. Impact on privacy and cause overlooking

SUMMARY OF CONSULTEES

WSCC Highways Authority - No objection subject to conditions

Natural England - No objection subject to appropriate mitigation

Southern Water - Information provided

Ecologist - No objection, recommend conditions

MSDC Conservation Officer - no objection subject to principle to change of use, conditions recommended

Street Naming and Numbering Officer - recommend informative

PARISH COUNCIL OBSERVATIONS

10.10.2024: Although the Parish Council support in principle the change of use application, the Council object to the proposal for the following reasons.

- o The red line boundary shown on the location map is incorrect. The access path belongs to the neighbouring property, and it is therefore unacceptable to use this as access to the rear of the proposed dwelling.
- o Lack of car parking provision for the new dwelling, having only 1 off road parking space provided. This is contrary to Policy 4.57 of the Ardingly Neighbourhood Plan.
- o Insufficient turning circle for vehicles.
- o If the officer is minded to approve this application the Parish Council ask that the setting of the Chapel and lamppost be retained to conserve the heritage of the building.

14.11.2024: The Parish Council feel their previous comments of objection have not been addressed and therefore still stand. The Parish Council would also like to raise concerns over the window on the boundary wall acting as a means of escape.

12.12.2024: The Parish Council wish to reiterate their previous response submitted, as the concerns raised are still yet to be addresses.

13.02.2025: The Parish Councils' previous comments still stand, with no additional comments.

INTRODUCTION

The application seeks planning permission for the change of use and conversion of former Congregational Church building to provide a single dwellinghouse with associated secure cycle storage provision, vehicle parking, bin storage and private amenity space.

RELEVANT PLANNING HISTORY

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

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

SITE AND SURROUNDINGS

The application property is located on the southern side of Street Lane, and to the western side of a private access road to neighbouring residential properties. The site is located within the built up area boundary and (East) Conservation Area of Ardingly as well as within the High Weald Area of Outstanding Natural Beauty.

The property consists of a former chapel and hall which fills the majority of the plot. The building has a traditional and ornate appearance with pitched gable roof forms over both elements of the building. The boundary treatment between the building the highway is defined by a low boundary wall. The building is located within a prominent corner position which along with the detailed design and age of the building, makes a contribution to the character of the area and the Conservation Area. Due to this it is considered that the building is a non-designated heritage asset (NDHA).

To the west of the property are No.s 1 and 2 Brickyard Cottages, which are Grade II listed.

APPLICATION DETAILS

The proposal includes the conversion of the existing building to form 3-bed 5 person dwelling, to include a mezzanine floor to provide a study.

As part of the conversion the existing ramp to the western side of the building would be removed and the western gable projection reduced in depth by approximately 0.8 metres to create a parking space and bin store. The proposal also includes alterations to the fenestration of the building with the removal of the west facing door and 1 No. window, reduction in the size of the north facing window to the proposed single bedroom, replacement of an east facing window and door with two doors and windows onto the garden area. To the southern elevation the existing 4 No. windows would be replaced by 2 No. windows and the insertion of 2 No. rooflights.

The proposed alterations would be constructed in materials to match the existing building.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation DPD, Site Allocation DPD and Ardingly Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

- DP4 - Housing
- DP5 - Planning to Meet Future Housing Need
- DP6 - Settlement Hierarchy
- DP16 - High Weald Area of Outstanding Natural Beauty

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP21 - Transport
DP25 - Community Facilities and Local Services
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP34 - Listed Buildings and Other Heritage Assets
DP35 - Conservation Area
DP38 - Biodiversity
DP39 - Sustainable Design and Construction

Site Allocations DPD

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

No relevant policies.

Ardingly Neighbourhood Plan (made March 2015)

Relevant policies:

ARD 1 - The Presumption in favour of Sustainable Development
ARD 2 - A Spatial Plan for the Parish
ARD 3 - Housing Supply and Site Allocation
ARD 4 - Suitable Alternative Natural Greenspace
ARD 5 - Housing Design
ARD 8 - Biodiversity
ARD 9 - Heritage Assets

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Other Material Considerations

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

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

Relevant policies:

DPS1: Climate Change
DPS2: Sustainable Design and Construction
DPS5: Water Neutrality
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
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
DPB3: Conservation Areas

DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH1: Housing
DPH3: Sustainable Development - Inside the Built-up Area
DPH7: Housing Mix
DPH11: Dwelling Space Standards
DPH12: Accessibility
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) (December 2024)

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

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

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

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

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

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

National Planning Policy Guidance (Where being referred too)

National Design Guide

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

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

Technical Housing Standards

High Weald AONB Management Plan (2024-2029)

High Weald AONB Housing Design Guide

West Sussex County Council Guidance on Parking at New Developments

ASSESSMENT

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

- The principle of development;
- Design and Impact on the Conservation Area
- High Weald AONB
- Impact on the amenities of neighbouring properties
- Impact on future occupants of the development
- Impact on parking provision
- Ecology
- Ashdown Forest
- Sustainability
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle of Development

As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

In terms of policy designations, the starting point for this assessment is that the application site falls inside of the built-up area of Ardingly as defined by the District Plan. The proposal would result in the conversion of the existing chapel and hall to a dwelling, which would result in the loss of a community facility.

Policy DP25 of the Mid Sussex District Plan states:

'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.'

Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- *that the use is no longer viable; or*
- *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- *that a replacement facility will be provided in the locality.*

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.

Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.'

The building ceased its use as a place of worship in 2010 and was used since 2012 as a wellness centre which also allowed the building to be hired as a hall. The agent has demonstrated that there are existing facilities including Hapstead Hall, St Peters Church Centre, 1st Ardingly Scouts Hut and Ardingly Community Pavilion, which are within walking distance of the site and within Ardingly village. Due to the extent of the existing alternate community facilities within the immediate vicinity the loss of facility is considered acceptable in this instance.

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

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

'For decision-taking this means;

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

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

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

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

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

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of deliverable 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. Policies ARD 2 and ARD 3 of the Ardingly Neighbourhood Plan, as a similar ethos to this policies and therefore is also given limited weight.

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

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

Assessment

Design and Impact on the Conservation Area and Setting of Listed Buildings

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

S.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Paras 205, 212-215 of the NPPF state:

'205. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

212. 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

Policy DP34 of the District Plan is relevant 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.*

Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

Mid Sussex District Plan policy DP35 states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- *New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- *Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*

- Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;
 - Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;
 - Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;
 - New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.
- Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

Neighbourhood Plan policy ARD 9 states:

'The Neighbourhood Plan requires development proposals affecting a listed building or conservation area or their setting to conserve or enhance the special quality and distinctive character of Ardingly.'

Policy DP26 of the Mid Sussex District Plan states:

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

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

Policy ARD 5 of the Ardingly Neighbourhood Plan echoes the ethos of this policy.

Paragraphs 131 and 135 of the NPPF state:

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

135. Planning policies and decisions should ensure that developments:

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

Principle DG11 of the Mid Sussex Design Guide states:

'Heritage assets and historic landscapes should be celebrated, enhanced and preserved where appropriate, for the enjoyment of existing and future residents. Where appropriate and providing it does not cause harm to the heritage assets or their setting, they should be carefully integrated into development proposals as they help to reinforce a sense of place and local identity.'

Elsewhere new development should generally reflect the scale of adjacent areas and the settlement context within which it is located to deliver a coherent and consistent urban fabric. There may be potential to introduce a new character / development form and massing:

- *On larger urban extensions; this will typically be within the middle of the site and associated with a new neighbourhood centre, spine road or the main open space.*
- *In town centre locations defined as coarse grain areas and nearby sites identified on the brownfield sites register.'*

Principle DG53 relates to the conversion of traditional buildings with heritage value:

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

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

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

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

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

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

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

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

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

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

'The proposed development site is a former congregational chapel located within the Ardingly Conservation Area. The building dates, from historical map regression, from the late 19th century. It is a modestly sized brick built chapel with a gabled tiled roof. It retains many period features including gothic arched stained glass windows, the original brick and timber porch with gothic arched doorway, polychrome brickwork with decorative terracotta insets, eaves detailing, and brick buttresses to the side elevation. The building was extended to the rear during the mid 20th century by a single storey gabled addition.

Although we have limited information currently in front of us regarding the history of the building, its architectural character and features, and historical illustrative and communal values as former place of worship for a small independent Protestant congregational church, of which there were at one time many in Sussex, in my opinion mean that it would be likely to be regarded as a non-designated heritage asset (NDHA), of special architectural and historic interest within the local context.

The building also makes a strong positive contribution to the character and appearance of the Ardingly Conservation Area.

It is within the setting of 1 and 2 Brickyard Cottages, immediately to the west on Street Lane, which are Grade II listed 17th century cottages, and within the wider settings of the former Oak Inn, a Grade II listed 17th century or earlier timber framed building a short distance further to the west, and 7 High Street, an 18th century or earlier cottage a short distance to the east.

The current proposal, which follows on from pre-application advice, is for the change of use and conversion of the building to residential use, with associated vehicle parking, cycle storage provision, bin storage and private amenity space.

As was pointed out at pre-application stage, the loss of the existing therapy centre use will result in a reduction in the vitality of this part of the Conservation Area, which is in close proximity to the High Street and other businesses. I would defer to the Case Officer in respect of the robustness of the justification given for the loss of this use - in heritage terms it would only be justified were it accepted that a residential conversion was the optimum viable use to ensure the long term upkeep of the building, and that a business or commercial use at this site was no longer viable. Without this, the change of use in itself would be considered to result in a degree of less than substantial harm to the character of the Conservation Area.

In terms of the physical works now proposed to the building in association with the conversion, the proposal has been amended following the pre-application proposal. No extension is now proposed; in contrast a slight reduction in footprint is suggested to cut back the line of the western gable to the 20th century rear extension in order to allow sufficient space for an off street car parking space adjacent to the building. As this is not part of the original building this work is not considered contentious subject to detail.

Various alterations to the position and proportions of the fenestration to the rear addition are proposed which are not considered contentious in principle, although the use of composite window and door frames may not be considered appropriate in the context of this historic building. Further detail of this aspect could be required by condition.

No alterations appear to be proposed externally to the original chapel building, and although the building is not listed it is noted that internally the proposal largely retains the open character of the chapel space, with only the insertion of a small mezzanine structure to one end of the room. This sympathetic approach to retaining the character of the original building is welcomed.

Hard and soft landscaping works are proposed around the building, in particular to create a small garden area to the south east of the building, as well as the above mentioned car parking space. These are not considered contentious subject to detail- the proposed new car parking space will not involve alteration to the apparently original boundary wall around the chapel, which terminates just to the north. We would however need to see details, including elevational drawings, of the proposed bike and bin stores, which should be annotated to show materials. These could be provided now or requested by condition.

In summary therefore although the principle of the change of use raises concerns in terms of the impact on the character of the Conservation Area, if it is accepted that this is justified and provides the optimum long term beneficial use for the building the physical works which are also proposed are not considered contentious, subject to detail.

With the above proviso the proposal is therefore considered to preserve the character and appearance of the Ardingly Conservation Area.

If approval is recommended I would suggest the following conditions:

- *Details of new roofing and facing materials*
- *New brickwork to match existing adjacent work in colour, texture and bonding pattern, and colour, texture and style of pointing*
- *Eaves detail to the altered gable to the existing rear extension to match existing in form, profile and materials*
- *Rainwater goods to be of painted metal*
- *Detailed drawings, at an appropriate large scale, and annotated to show materials and finishes, of the following:*
 - *typical examples of new windows and external doors. Your drawings should include sections and should show as appropriate glazing bar detail and depth of reveal*
 - *the bike store*
 - *the bin store*
- *Detailed hard and soft landscaping scheme to include details of any new or altered boundary treatments and of materials for hard landscaping'*

The proposed conversion and associated alterations would retain the existing appearance and character of the church, and reflect the original use of the building, which contributes to the character of the Conservation Area and the contribution the building makes to its special interest. The external alterations visible from the highway would be located to the rear hall, which would also include the proposed bin store and parking space, which would leave the front chapel with no external changes. This would ensure that the domestic alterations and appearance would be minimised within the streetscene and set back from the main public highway.

It is noted that the proposal has not demonstrated that the proposed residential use would be the optimum viable use for the long term upkeep of the building and that a business or commercial use at this site was no longer viable. However, given the separation of the property from the other commercial properties by existing residential properties it is not considered that the change of use would result in a less than substantial harm.

Due to the above, the proposal is considered to be a form of development which would reflect the existing character and appearance of the building and would conserve the Conservation Area and the contribution it makes to its special interest as a non-designated heritage asset, and would protect the setting of the adjacent listed buildings. The proposal would therefore comply with policies DP26, DP34 and DP35 of the Mid Sussex District Plan, policy ARD 9 of the Ardingly Plan, the Mid Sussex Design Guide and the relevant provision of the NPPF.

High Weald 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 is 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.

Mid Sussex District Plan policy DP16 states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- the identified landscape features or components of natural beauty and to their setting;*
- the traditional interaction of people with nature, and appropriate land management;*
- character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
- and*
- the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular'

Policy ARD 2 of the Ardingly Neighbourhood Plan echoes the ethos of this policy.

Paragraphs 189 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'

A similar ethos is found within the High Weald Area of Outstanding Natural Beauty Management Plan requiring proposals to conserve and enhance the AONB.

The proposed alterations and works to the existing building reflect the existing form and appearance of the building. The proposal would be seen within the existing context of the village and the surrounding buildings and therefore considered to be appropriate to the locality and would not have an impact on the AONB and would conserve it.

Impact on the amenities of neighbouring properties

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

The closest neighbouring properties include Street Lane House to the east of the application site. This neighbouring dwelling is positioned adjacent to the existing church with no boundary treatment between the building which results in an open relationship between the side of the church and the garden of the

adjacent neighbour. The windows along the side of the church face onto this neighbour and its amenity space. It is noted that this is an existing relationship between the buildings, however the use of the building as a place of worship and community building is considered to have a materially different impact than a dwellinghouse. Therefore, it is considered necessary to ensure that the side windows facing on this neighbour are obscurely glazed to ensure that significant harm would not be caused to their amenities.

To the rear of this neighbour are the garages of neighbouring properties, which separate the application property from other properties which face onto Street Lane further to the east.

On the southern side is The Manse, a detached dwellinghouse. The southern elevation of the application building faces onto the side access and elevation of this neighbour. This side elevation of the building includes at present 3 No. windows which are obscurely glazed and serve W.C.s. These windows would be replaced by 2 No. windows which would serve an en-suite bathroom and a bedroom. It is noted that although the number of windows along this elevation would reduce, one of the proposed windows would be larger than the existing and would face towards the existing W.C. window of The Manse. The proposed bedroom would also be served by a rooflight and glazed door through the open dressing area, which would provide light and outlook, due to this the side window can be obscurely glazed and fixed shut, along with the proposed en-suite bathroom window, which would be secured by condition. Subject to this condition, although the windows would be visible from the side access of The Manse, this would be similar to the existing relationship between the buildings and would not cause significant harm to the amenities of this neighbouring property.

To the west of the property is No. 1 Brickyard Cottages, which is separated from the application property by the existing accessed road. On the northern side are No.s 1 and 2 Oaklands and No. s6 and 7 Lodgers which are separated from the application property by main highway and verge. Due to the separation of these properties from site it is considered that the proposal would not cause harm to the amenities of these neighbours.

It is therefore considered that subject to conditions the proposal would not cause significant to amenities of neighbouring properties. The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan.

Impact on future occupants of the development

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1st October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.

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

Impact on parking provision

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

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

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

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*

- c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 115 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

WSCC Highways Authority has been consulted on the application and has provided the following comments:

'This proposal is for the change of use and conversion of former Congregational Church building to provide a single dwellinghouse with associated secure cycle storage provision, vehicle parking, bin storage and private amenity space. The site is located on Street Lane, an unclassified road subject to a speed restriction of 30 mph.

The applicant proposes to use the private road that runs along the side of the property for vehicular access. Any proposed access works on to the private road will be subject to formal approval from the road's proprietor.

The private road is used by several other properties and adjoins the public highway at Street Lane. The proposed development is not anticipated to give rise to a material intensification of use of the existing access point.

The applicant proposes one car parking space for this development. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least three car parking spaces.

Therefore, any overspill parking associated with this development would have to be accommodated on-street. The LHA does not anticipate that the shortfall of parking space would lead to a highway safety concern or parking capacity issue, but the LPA may wish to consider the potential amenity impacts.

From inspection of the plans, the parking bay is suitably sized. The applicant has demonstrated a cycle store to the rear of the site, which will provide secure cycle parking provision in accordance with WSCC Parking Standards.

The site is situated in a village location within walking/cycle distance of local services and amenities. Cycling is a viable option in the area. The site is also well connected by public transport, with regular buses available from High Street or Lindfield Road. Balcombe Train Station is situated approximately 5.5km west of the site.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.'

Given these comments it is considered that subject to the recommended conditions the proposal would meet the requirements of policy DP21 of the Mid Sussex District Plan.

Ecology

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

Paragraph 193 of the NPPF states:

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

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

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

'We have reviewed the Preliminary Ecological Appraisal (Greenlink Ecology Ltd., September 2024), supplied by the applicant, relating to the likely impacts of development on protected species & Priority species and habitats, identification of proportionate mitigation and mandatory Biodiversity Net Gain.

We note from the Preliminary Ecological Appraisal (Greenlink Ecology Ltd., September 2024) that a dusk emergence survey for bats was undertaken in August 2024 on the existing building as it was considered to have low bat roost potential. The Preliminary Ecological Appraisal (Greenlink Ecology Ltd., September 2024) concludes that bats do not use the building for roosting. There are small ornamental trees and shrubs on site which have no bat roost potential. We therefore agree that no further surveys for bats are required.

We are satisfied that there is sufficient ecological information available for determination. We have no objections on ecological matters excluding Great Crested Newt. We have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

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

The mitigation and enhancement measures identified in the Preliminary Ecological Appraisal (Greenlink Ecology Ltd., September 2024), should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

Government Advice on Biodiversity Net Gain states that exemption applies where the development does not impact Priority habitat and impacts less than 25m² of on-site habitat or 5 metres of on-site linear habitats such as hedgerows. Therefore, we are satisfied that this application can be described as 'Below the Threshold' and is exempt from the requirement to identify and pursue opportunities for securing a measurable biodiversity net gain, equivalent to a 10% increase, in accordance with the secondary legislation of the Environment Act 2021.

We support the reasonable biodiversity enhancements for protected species in Section 5.3 of the Preliminary Ecological Appraisal (Greenlink Ecology Ltd., September 2024), which should be implemented to secure net gains for biodiversity, as outlined under Paragraph 180d and 186d of the National Planning Policy Framework (December 2023). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and secured by a condition of any consent.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.'

Nature Space Partnership have not been consulted on this application as the proposal does not meet the criteria for consultation and therefore is considered to be unlikely to have an impact on Great Crested Newt or their habitat.

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

Ashdown Forest

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

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

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

Recreational disturbance

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

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

This planning application is within the 7km zone of influence and generates a net increase of 1 dwelling, and as such, mitigation is required.

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

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contributions for SAMM and SANG mitigation have been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

The Planning Obligation securing the SAMM and SANG contributions has been completed so it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and raises no objection to the proposal subject to securing appropriate mitigation.

Atmospheric pollution

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

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

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

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

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

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

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

Paragraph 161 of the NPPF states:

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

Paragraph 166 states:

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

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

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

- minimise energy use through use of natural light and ventilation
- Mechanical ventilation and heat recovery
- use of existing solar panels
- minimise waste and maximise recycling and re-use of materials through construction and occupation
- limited water use
- High levels of insulation
- New double glazed fenestration
- LEW and low energy light fittings
- Smart energy meter
- Internal air source heat pump

The site is located within the built up area of Ardingly and is in close proximity to the local services within the village as well as bus routes to Lindfield and Haywards Heath. The proposal also provides cycle storage for the unit. It is therefore considered that the proposal complies with policy DP39 of the Mid Sussex District Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

Other Matters

Comments have been received from Southern Water who request a New Sewer Connection Application for any new connection to the public sewerage system.

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 Ardingly Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP16, DP17, DP21, DP26, DP27, DP34, DP35 DP38, and DP39 and Neighbourhood Plan policies ARD1, ARD2, ARD3, ARD4, ARD5, ARD8, and ARD9.

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.

Paragraph 125 (applies only on brownfield in bua) states in part (at criteria c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, the proposal would result in the provision of 1 new dwelling which will make a minor but positive contribution to the district's housing supply and requirement. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

The proposed development of this brownfield site in a built up area will ensure that para 125 c of the NPPF is met. This is positive in the planning balance.

The proposal would have a neutral effect in terms of design/character, highways and parking, neighbouring amenity and ecology.

In weighing up these issues, when taken together, it is not considered that there are 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.

Overall, the planning balance is considered to fall significantly in favour of granting planning permission.

Decision: Permission

Case Officer: Katherine Williams