

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0193	Case Officer:	Hamish Evans
Application Type:	Full Application		
Proposal:	Modification of existing chalet bungalow, demolition of outbuildings. Erection of a 3 bed detached bungalow to include associated parking spaces and a new access driveway.		
Site:	Gilridge, Brighton Road, Handcross, Haywards Heath, West Sussex, RH17 6BZ, ,		
Validation Date	24 Jan 2025	Overall Expiry Date:	25 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	14 May 2025
Target Date:	21 Mar 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	14 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0193

**Gilridge, Brighton Road, Handcross, Haywards Heath, West Sussex, RH17 6BZ,
Modification of existing chalet bungalow, demolition of outbuildings. Erection of a 3 bed
detached bungalow to include associated parking spaces and a new access driveway.
Mr Barry Davis**

SUMMARY OF REPRESENTATIONS

No third-party letters of representation have been received in respect of this application.

SUMMARY OF CONSULTEES

MSDC Ecology

Recommend approval subject to conditions.

MSDC Conservation Officer

No objection subject to conditions.

MSDC Flood Risk and Drainage Engineer

No objection subject to conditions.

MSDC Street Name and Numbering

Recommend informative.

MSDC Contaminated Land

Recommend approval subject to condition.

Southern Water

No objection. Recommends informative.

National Highways

No objection subject to conditions.

WSCC Highways

No transport grounds to resist the proposal subject to conditions and informatives.

Aerodrome Safeguarding

No objection.

NATS Safeguarding

No objection.

PARISH COUNCIL OBSERVATIONS

Slaugham Parish Council

No objection.

INTRODUCTION

The application seeks planning permission for alterations to the existing bungalow, demolition of existing outbuildings, the erection of a three-bed detached bungalow and the construction of associated parking spaces and access driveway at Gilridge Brighton Road Handcross RH17 6BZ.

RELEVANT PLANNING HISTORY

DM/24/0445. Demolition of existing chalet bungalow and outbuildings. Erection of a pair of 3 bed semi-detached dwellings and a 3 bed detached dwellings to include associated parking spaces and a new access driveway. PERMISSION.

SITE AND SURROUNDINGS

The application site is located to the western side of Brighton Road and comprises of a detached chalet style bungalow together with two detached outbuildings within the rear garden, one of which is used as an exercise room, with the other being a shed.

The application site borders a commercial premises on the northern (side) boundary known as Seaspaces House, with the detached dwelling Hillcrest to the southern (side) boundary. At a lower level to the western (rear) is the A23 dual carriageway. On the opposite side of Brighton Road (east) is the two storey dwellings No.1, 2 and 3 Triangle Cottages.

The application site is designated within the Mid Sussex District Plan as being within the built up area boundaries of Handcross and within the High Weald Area of Outstanding Natural Beauty (ANOB), it is also within the setting of the Handcross Conservation Area which is located on the opposite side of Brighton Road to the east.

APPLICATION DETAILS

The application seeks planning permission for alterations to the existing bungalow, demolition of existing outbuildings, the erection of a three-bed detached bungalow and the construction of associated parking spaces and access driveway at Gilridge Brighton Road Handcross RH17 6BZ.

The alterations to the existing dwelling consist of replacing existing windows and doors with new windows and doors. The proposal also seeks to demolish the existing car port, an existing utility/store room and detached single storey building to the rear of the existing dwelling.

The proposed three-bedroom detached bungalow would be located to the rear of the existing dwelling. It would measure some 8.9 metres in width, 6.5 metres in depth, an eaves height of 2.0 metres and a total height of 4.0 metres. The proposed dwelling will be characterised by bare brickwork and black stained timber clad walls, brown clay roof tiles and timber window and door frames. It also includes oak posts for the proposed porch, conservation style rooflights, black painted metal rainwater goods and flush/integrated solar pv panels.

A permeable tarmac access road is proposed to the northern (side) of the site which will lead to a central parking and turning area with two permeable grasscrete parking bays and one permeable tarmac parking bay. A bike store within the garden is shown for the existing and proposed dwelling, together with an Air Source Heat Pump at the proposed dwelling. The western (rear) boundary of the site is shown as a 2.7 metre acoustic screen and the new boundary treatment for the existing dwelling would consist of a 1.8 metre close boarded fence to the rear and side boundary.

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, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Slaugham Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework (NPPF) 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
DP16: High Weald Area of Outstanding Natural Beauty
DP17: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP21: Transport
DP26: Character and design
DP27: Dwelling space standards
DP29: Noise, air and light pollution
DP35: Conservation Areas
DP38: Biodiversity
DP39: Sustainable Design and Construction
DP41: Flood Risk and Drainage

Site Allocations DPD

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

No relevant policies.

Slaugham Neighbourhood Plan

The Slaugham Neighbourhood Plan was made in September 2019.

Relevant policies:

Policy 1: Protecting the Area of Outstanding Natural Beauty

Policy 2: Sustainable development measures

Policy 4: Conservation Areas

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

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:

DPS1: Climate Change

DPS2: Sustainable Design and Construction

DPS4: Flood Risk and Sustainable Drainage

DNP3: Green and Blue Infrastructure

DNP6: Pollution

DPN7: Noise Impacts

DNP9: Air Quality

DPN10: Land Stability and Contaminated Land

DPC6: Ashdown Forest SPA and SAC

DPB1: Character and Design

DPB3: Conservation Areas

DPT1: Placemaking and Connectivity

DPT3: Active and Sustainable Travel

DPT4: Parking and Electric Vehicle (EV) Charging Infrastructure

DPH1: Housing

DPH3: Sustainable Development - Inside the BUA

DPH11: Dwelling Space Standards

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

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

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

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

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

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

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

National Planning Policy Guidance

National Design Guide

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

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

Technical Housing Standards

ASSESSMENT

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

- o Principle
- o Design and Impact on the character and appearance of the area
- o Setting of Conservation Area
- o Highways
- o Impact on Residential Amenity

- o Ecology
- o Sustainability
- o Housing Standards
- o Flood Risk and Drainage
- o Ashdown Forest
- o Biodiversity Net Gain
- o Other Matters
- o Planning Balance and Conclusion

Principle

Policy DP4 of the Mid Sussex District Plan seeks to provide 14,892 dwellings over the plan period, Handcross is considered to be a category 3 settlement which is considered to be a medium sized village which provides essential services for the needs of its own residents and immediate surrounding communities.

The proposal is within the built up area boundaries of Handcross, the principle of additional windfall housing development is considered acceptable under Policy DP6 of the District Plan which states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

In addition, with Handcross being classed as category 3 settlement in the settlement hierarchy listed under MSDP policy DP6, the application site can be considered to be a sustainable location for residential development.

The principle of additional residential development is therefore acceptable owing to the sites sustainable location in accordance with policies DP4 and DP6 of the Mid Sussex District Plan.

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

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

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

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

'For decision-taking this means;

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

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

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

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key

policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

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

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

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

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).

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

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

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

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

Design and impact on the character of the area

Policy DP26 of the Mid Sussex District Plan relates to design and amenity and 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:

o is of high quality design and layout and includes appropriate landscaping and greenspace;

o 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;

o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;

o protects open spaces, trees and gardens that contribute to the character of the area;

- o protects valued townscapes and the separate identity and character of towns and villages;*
- o 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);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

Principle DG38 is also considered to be relevant and states:

'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.

The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated.

Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:

- o The elevational treatment and overall façade design;*
- o The placement, proportions and design of windows, doors and balconies;*
- o A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- o The appropriate incorporation of dormer windows and chimneys;*
- o An appropriate palette of good quality materials that are preferably locally sourced.'*

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'.

Paragraph 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.'

A similar ethos can be found within both policies DP16 of the District Plan and 1 of the Neighbourhood Plan, which state in part that development within the High Weald AONB '*will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular... character and local distinctiveness, settlement pattern, sense of place and setting of the AONB...*'

Brighton Road is primarily comprised of residential dwellings, some of which have a more traditional design and appearance, while it is also noted that there are also a number of more modern additions particularly towards the south of the application site. This has resulted in a mixture of designs and materials visible within the street scene. The proposed external materials are considered to be of a mix of traditional and contemporary materials which reflect the appearance of the surrounding area. Details of the proposed external materials can be secured by a suitably worded condition.

The proposed alterations to the existing bungalow are relatively modest in their nature and the existing detached single storey building, car port and utility/store room are not of any particular architectural merit and as such their demolition would not be resisted.

The proposal is also seeking to construct a detached bungalow to the western (rear). While introducing some rearward development, this is not uncommon with the wider locality, with the development of Walter Mews and St Georges Cottages to the south, as well Seaspaces House to the north, extending fully to the west (rear) of the site. Therefore, it is considered that the rearward development is acceptable in this instance, especially as the dwelling to the rear is a bungalow ensuring it remains subservient to the dwelling at the frontage. It should also be noted that a similar dwelling was permitted under the previous application at the site. The resulting plot sizes are considered to be commensurate with the size of the plots of the more modern additions along Brighton Road. Due to the modest single storey nature of the proposed dwelling it would not appear unduly prominent and the proposal would not alter the height of the existing dwelling. It is therefore considered that the proposed development would be of an appropriate design, size and scale that is in-keeping with the character of the locality and would comply with the above mentioned policies.

In relation to the impact upon the AONB, the proposed development would not form an isolated form of development, it is surrounded by dwellings to the south and east, with the commercial premises to the north and the A23 to the west, which it will be viewed in context of. Furthermore, it is considered to be of an appropriate design, size and scale and as such it is also considered to preserve the character of the AONB in accordance with policy DP16 of the District Plan, policy 1 of the Neighbourhood Plan and paragraph 189 of the NPPF.

Setting of the Conservation Area

Handcross Conservation Area is located to the eastern side of Brighton Road, opposite the application site, as such the proposal has the potential to impact upon the setting of the Conservation Area. Policy DP35 of the Mid Sussex District Plan in part states:

'Development will also protect the setting of the conservation area and in particular views into and out of the area.'

A similar ethos is contained within paragraph 219 of the NPPF.

While at local level policy 3 of the Slaugham Neighbourhood Plan requires proposals to conserve and enhance the specific part of the Conservation Area and its immediate setting.

The Council's Conservation Officer has been consulted on this application and they have advised that the proposal would preserve the setting of the Handcross Conservation Area. It should also be noted that a previous application was permitted at the site for the demolition of the existing building and construction of three new houses. As such the proposal is considered to comply with policy DP35 of the Mid Sussex District Plan, policy 3 of the Slaugham Neighbourhood Plan and the relevant paragraphs of the NPPF.

The Council's Conservation Officer has recommended a number of conditions requesting additional details of the proposed external materials. Due to the level of information that has been provided it is not considered necessary to impose a condition for further information on the proposed external materials.

Residential Amenity

When considering impact upon neighbouring amenities, policy DP26 of the District Plan states in part that development proposals should *'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).'*

A similar ethos is found within Principles DG45, 46, 47 and 48 of the Mid Sussex Design Guide.

Policy DP29 states in part that:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

In appropriate circumstances, the applicant will be required to provide:

- an assessment of the impact of noise generated by a proposed development; or*
- an assessment of the effect of noise by an existing noise source upon a proposed development;'*

The proposed alterations to the existing dwelling would be relatively modest in their nature and the alterations to the existing fenestrations would be at ground floor level.

The proposed dwelling to the rear will be of a modest single storey nature and there would be some 20 metres between the new dwelling and the existing dwelling. The proposed works include suitable boundary treatment around the existing and proposed dwelling. The site is also located within the built up area boundary of Handcross where a degree of overlooking is considered acceptable. A similar arrangement was permitted under the previous application at the site.

The proposed dwelling is located within relatively close proximity to the A23, which is located to the west of the site. The proposal includes acoustic fencing to the west of the site and the proposed dwelling would be of a single storey nature. It should also be noted that a similar application was permitted previously at the site. The previous permission included conditions regarding trickle vents, acoustic barrier and the overheating assessment, it is considered appropriate to include these conditions for this application.

Taking the above into account, the proposal is not considered to cause significant harm to the amenities of nearby residents and future occupiers and is considered to comply with the above mentioned policies.

Highways Matters

Policy DP21 of the District Plan relates to transport and states in part that:

'...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.'

Paragraph 116 of the NPPF 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, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

The proposal is seeking to provide off road parking for three cars and a turning area within the site, as part of the proposal each dwelling would have a cycle store and the application has been supported by tracking plans to show how both vans and a fire appliance could enter, turn and leave in a forward gear from the site.

The Local Highways Authority (LHA) at West Sussex County Council has provided detailed comments regarding the proposal. They have noted that suitable visibility splays can be achieved, the proposed parking spaces meets the requirements as stipulated within the WSCC Parking Demand Calculator and that the small increase in vehicle movements may occur, however, it is not considered to adversely impact the wider road network. Therefore, subject to conditions on access, parking, cycle parking and site set up during construction, they have advised that there are no transport grounds to resist the proposal.

As the A23 is located to the western (rear) boundary of the site National Highways have also been consulted on the application. Again they have raised no objections to the proposal subject to the recommended conditions.

Taking into account the comments from WSCC highways and National Highways, subject to the recommended conditions, it is considered that policy DP21 would be met and therefore there no highway, access or parking grounds to resist the proposal.

Ecology

Paragraph 192 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Paragraph 193 states in part that if significant harm 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, planning permission should be refused. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

This stance is reflected under policy DP38 of the District Plan which states in part that:

'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...'

The site being developed is a residential garden and it is not of any particular habitat or ecological value and as part of the proposal no significant areas of trees or vegetation would need to be removed to facilitate the development. However, within the planning statement the applicant has confirmed that the proposal would incorporate bee and swift bricks together with garden areas being designed with native planting and the removal of a large area of hardstanding to the frontage. Surveys have also been undertaken to ensure that the demolition of the existing buildings would not harm protected species or

their habitat. It should also be noted that a similar scheme was permitted at the site under application DM/24/0445.

Taking into account the above the proposal is considered to comply with the policy DP38 of the Mid Sussex District Plan and the relevant paragraphs of the NPPF.

It should be noted that biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This requirement is assessed in a subsequent section of the report.

Sustainability

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

A similar ethos is found within Policy 2 of the Slaugham Neighbourhood Plan.

At national level Paragraph 161 of the NPPF states:

'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks 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.'

While 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.'

The application has been supported by a sustainability statement which has set out that the proposal would include the following measures:

- Improve the building fabric, glazing and structure to reduce energy consumption by using low UValues and good air tightness.
- Exceed compliance with Approved Document LI of the building regulations
- 100 percent low energy lighting
- Air Source Heat Pumps for Heating
- Time and temperature heating controls with weather compensation controls
- Aerated shower heads
- Flow regulators or aerators to taps
- Dual flush toilets
- AA rated white goods with low water consumption rating
- 210 litre water butt for each plot
- Solar PV panels

Details of the above can be secured by condition, consequently, the proposal is deemed to comply with Policy DP39 of the District Plan, Policy 2 of the Neighbourhood Plan and the relevant provisions of the NPPF.

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 of the District Plan supports this.

A 3-bedroom 5-person, 1 storey dwelling is required to provide a minimum gross internal floor area of 86 square metres and 2.5 sqm of built-in storage. The proposed dwelling provide a gross internal floor area of 88.3 square metres.

Therefore, the proposed dwelling would be 0.2 square metres below the minimum requirements. However, this is very minimal and it is noted that it would also have its own garden and external bike storage. It should also be noted that a similar scheme was permitted at the site under application DM/24/0445. Taking into account the above the proposed standard of living for future occupiers would be acceptable and the proposal complies with policy DP27 of the Mid Sussex District Plan and the Government's Technical Housing Standards - Nationally Described Space Standards document.

Flood Risk and Drainage

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

Para 170 of the NPPF relates to planning and flood risk and states:

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

The Councils Drainage Officer has confirmed that the site is at very low flood risk, with the surface water drainage to be managed via permeable surfacing and a shared soakaway and attenuation tank, with the foul water utilising the existing foul water drainage connection which is considered acceptable in principle subject to the detailed design. Therefore they have raised no objections to the proposal, subject to a condition. The proposal, subject to the recommended conditions is therefore considered to comply with Policy DP41 of the Mid Sussex District Plan.

Impact on 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 process for the Mid Sussex District Plan. 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 screening report 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, 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 screening report

The screening 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.

Biodiversity Net Gain

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

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

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

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

Other Matters

The Council's Contaminated Land Officer has commented on the application recommend approval of it subject to a discovery condition being imposed, which is considered to be acceptable.

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 Slaugham Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP4, DP6, DP16, DP17, DP21, DP29, DP35, DP38, DP39 and DP41 and Slaugham Neighbourhood Plan policies 1, 2 and 4.

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 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, impact on setting of Conservation Area, highways and parking, neighbouring amenity, ecology, sustainable design, housing standards and flood risk and drainage. There will be no likely significant effect on the Ashdown Forest SPA and SAC and the impact on the Ashdown Forest.

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: Hamish Evans