

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2271	Case Officer:	Andrew Horrell
Application Type:	Full Application		
Proposal:	Proposed access track		
Site:	Hill House Cottage, Handcross Road, Staplefield, Haywards Heath, West Sussex, RH17 6EE, ,		
Validation Date	10 Sep 2025	Overall Expiry Date:	2 Oct 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	30 Oct 2025
Target Date:	5 Nov 2025	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	31 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2271

**Hill House Cottage, Handcross Road, Staplefield, Haywards Heath, West Sussex, RH17 6EE,
Proposed access track
Ms Victoria Hogg**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

Place Services Ecology:

We have reviewed the Preliminary Ecological Appraisal (Ecology Partnership, October 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also reviewed the information submitted relating to mandatory biodiversity net gains.

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

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

The mitigation measures identified in the Preliminary Ecological Appraisal (Ecology Partnership, October 2025) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Biodiversity Net Gain (BNG) report, including the Baseline Habitat Map, and the Statutory Biodiversity Metric - Calculation Tool. Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) A Biodiversity Gain Plan form (Ideally using the Government's template: <https://www.gov.uk/government/publications/biodiversity-gain-plan>)
- b) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- c) Pre and post development habitat plans.
- d) Legal agreement(s)
- e) Biodiversity Gain Site Register reference numbers (if using off-site units).
- f) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. However, we note that the post-intervention values have been provided and that no significant on-site enhancements are proposed in the proposals. As a result, we are satisfied that HMMP is not likely to be required by legal obligation or a condition of any consent for a period of up to 30 years.

We are generally satisfied that the post-intervention values are realistic and deliverable.

However, it is recommended that the following matters will need to be considered by the applicant as part of the biodiversity gain condition:

o We note that the applicant can't achieve a 10% measurable biodiversity net gain site, which is the mandatory minimum requirement. As a result, it is indicated that the applicant should approach an off-site habitat bank provider, registered on the biodiversity gain site register, to meet statutory requirements. Alternatively, the applicant could proceed with the Government's Statutory Biodiversity Credit option at a last resort. A copy of the finalised Statutory Biodiversity Metric - Calculation Tool with off-site units or Statutory Biodiversity Credits will be required as part of the Biodiversity Gain Plan.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). Reasonable biodiversity enhancement measures are a separate matter to mandatory biodiversity net gains, and the finalised details should be outlined within a separate Biodiversity Enhancement Strategy to be secured as a condition of any consent.

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

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

West Sussex Naturespace:

Due to small scale nature of works, and the distance of the nearest existing waterbody, it is considered that the works would be low risk enough to be mitigated for through reasonable avoidance measures, and therefore we agree with the approach suggested within the above report. However, it is recommended that these measures are written out in full including measures regarding vegetation clearance and material storage, and should be written by a suitably qualified ecologist. We suggest that this statement is either submitted to the LPA in support of the application prior to determination or secured via a condition.

Following the submission of these measures, Naturespace stated that they recommend that a condition is included to secure the measures as detailed within the updated preliminary ecological appraisal.

PARISH COUNCIL OBSERVATIONS

No objections

INTRODUCTION

Planning permission is sought for the installation of an access track.

RELEVANT PLANNING HISTORY

None relevant

SITE AND SURROUNDINGS

The application site is a field between Hill House Farm and Hill House Cottage with post and 5 bar timber gate on northern side to access the dwelling curtilage, and metal 8 bar gate serving the farm yard.

To the south the site is gate to the farm yard beyond, to the north of the site is a 5 bar timber gate to the dwelling beyond and to the east and west is fields.

The site is in the countryside and within the High Weald National Landscape (formerly AONB).

APPLICATION DETAILS

The proposed access track measures some 120m in length and generally 4m in width (maximum 7.5m in width).

The access track comprises the excavation within the field to a depth of approximately 400mm. Following excavation, a water-permeable geotextile membrane will be laid to provide stability and aid drainage. This will be overlain by a 300mm layer of crushed hardcore, followed by 100mm of Type 1 MOT to create a durable sub-base. A thin layer of topsoil will then be spread across the surface, allowing the track to naturally re-vegetate over time and integrate into the surrounding landscape.

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.

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

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

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP12: Protection and Enhancement of Countryside
Policy DP16: High Weald Area of Outstanding Natural Beauty
Policy DP21: Transport
Policy DP26: Character and Design
Policy DP28: Accessibility
Policy DP38: Biodiversity

Site Allocations DPD

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

There are no relevant policies.

Ansty and Staplefield Neighbourhood Plan

The Neighbourhood Plan was made on 2nd February 2017.

Relevant policies:

AS3: High Weald Area of Outstanding Natural Beauty.

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 31 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:

DPN2: Biodiversity Net Gain
DPC1: Protection and Enhancement of the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPB1: Character and Design
DPH12: Accessibility
DPT1: Placemaking and Connectivity

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

None relevant

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 131 and 135 (design), 189 (National Parks and National Landscapes) and 193 (biodiversity and ancient woodland) are considered to be relevant to this application.

High Weald AONB Management Plan 2024-2029 (2024)

This Plan has been prepared by the High Weald Joint Advisory Committee (including representatives from 15 local authorities, including Mid Sussex District Council) and sets out the long-term objectives for conserving this nationally important landscape.

ASSESSMENT

Principle of development

Policy DP12 of the Mid Sussex District Plan states (in part):

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

Policy DP21 seeks to provide a transport network with allows for access to services, enjoyment and housing within the district and policy DP28 seeks to provide high standards of accessibility so that all users can use them safely and easily.

At present, the cottage has no formal access, and during poor weather conditions it is often inaccessible on foot due to waterlogging and boggy ground. There is also no provision for emergency vehicle access or routine deliveries.

The proposed track will establish a permanent and practical connection to the farmyard and, in turn, the public highway, thereby ensuring that the property can be accessed safely and consistently throughout the year.

The proposal is therefore deemed necessary to provide safe access to the property and to by extension a link to the existing highways network.

It is therefore considered that the principle of the proposed development is acceptable in accordance with the requirements of Policies DP12, DP21 and DP28 of the Mid Sussex District Plan.

Design and visual impact on the character and appearance of the area

Policy DP26 of the Mid Sussex District Plan states (in part):

'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;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *positively addresses sustainability considerations in the layout and the building design;'*

This application proposes a layer of top soil above the hardcore sub case, therefore making it visually appropriate and in-keeping with this countryside setting. The proposed works are modest in scale, the site is well screened and as such the proposal is not considered to have any additional visual impact on the countryside. The proposed track is suitably located in relation to the existing gates on the site to the dwelling and the farmyard.

Due to the location and nature of the proposal, it can be reasonably concluded that it would not cause significant harm to the amenities of neighbours in terms of impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

Therefore, the proposal is considered to be well designed, would protect the character of the area and would not cause significant harm to neighbouring amenities. The proposal therefore complies with policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Impact on the High Weald AONB

The site is located within the High Weald Area of Outstanding Natural Beauty.

The legal framework for AONBs (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act 2000 (CRoW Act) which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW Act 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.

Policy DP16 of the Mid Sussex District Plan 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 should not adversely affect the views into and out of the AONB by virtue of its location or design.'

A similar stance is held in Policy AS3 of the Ansty and Staplefield Neighbourhood Plan.

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 Areas of Outstanding Natural Beauty, 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 these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimize adverse impacts on the designated areas.'

As noted above, the installation of topsoil will maintain a rural appearance of the access track and therefore, it would not be harmful to the natural beauty of the High Weald AONB.

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.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

The site falls within the amber Impact Risk Zone for Great Crested Newts. As such the Newt Officer has been consulted on this application and her comments are reported above. The case officer has no reason to disagree with the newt officer that the proposal is deemed acceptable subject to condition.

Coupled with this, the ecologist within their comments deems the proposal as acceptable subject to conditions.

It is therefore considered that the proposal complies with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF and the legislation outlined above.

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)'.

A BNG report and biodiversity metric spreadsheet have been submitted with the application.

The BNG report states that the development has the potential to result in a net-loss of 0.0135 habitat units (-3.5%). In order to achieve a net-gain of +10% and satisfy the trading summary, an additional 0.0135 units of offsite habitat units will need to be purchased from an off-site provider. It further states that offsite providers at the nearest three habitat banks should therefore be approached for quotes and to confirm they have capability to offset the deficit requirement. Once planning has been granted these units will be purchased directly from one of these providers and the final Biodiversity Gain Report and updated metric will be submitted to the LPA to close off the relevant condition and applicants are looking to increase the habitat within the site to meet their mandatory requirements.

In line with the legislation on biodiversity net gain, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. This Plan is the mechanism to ensure that the biodiversity gain objective is met. This Plan is secured with the statutory condition attached to any relevant planning permission.

PLANNING BALANCE AND CONCLUSION

The proposed access track is to provide access to a currently cut off dwelling, the proposal is in-keeping with the character of the countryside area, while not causing harm to neighbouring amenity issues and the High Weald AONB. Protected species will be protected by condition and the BNG requirement will be dealt with via condition.

Consequently, the proposal is deemed to comply with policies DP12, DP16, DP21, DP26, DP28 and DP38 of the Mid Sussex District Plan, Policy 3 of the Ansty and Staplefield Neighbourhood Plan, The Design Guide SPD and the relevant provisions of the NPPF.

Decision: Permission

Case Officer: Andrew Horrell