

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1132	Case Officer:	Anna Tidey
Application Type:	Full Application		
Proposal:	Proposed tractor parking area, donkey enclosure, donkey stable, 3 shepherd huts and a wildlife pond. Retrospective consent for 2.1m high boundary fencing and access gates.		
Site:	Land Parcel To The North Of, Nos. 42-54 Hurst Road, Hassocks, West Sussex, , , ,		
Validation Date	14 May 2026	Overall Expiry Date:	3 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	6 Aug 2026
Target Date:	9 Jul 2026	Recommending Officer Signature:	<i>Anna Tidey</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	17
--	--	-------------------------------	----

Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	7 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1132

**Land Parcel To The North Of, Nos. 42-54 Hurst Road, Hassocks, West Sussex, , ,
Proposed tractor parking area, donkey enclosure, donkey stable, 3 shepherd huts and a wildlife
pond. Retrospective consent for 2.1m high boundary fencing and access gates.
Mr Alfie Deyes**

SUMMARY OF REPRESENTATIONS

15 representations received, from 13 addresses, which contain the following points, in summary:

7 in Support for the following reasons:

- Thoughtful and sensitive countryside project to create a wildlife habitat/ protect an open green space.
- It will preserve and enhance the natural environment for wildlife, local residents and future generations.
- Will contribute positively to biodiversity/ create environmental benefits. There is open information displayed, and a commitment to protecting the field from development.
- Donkey enclosure and structures are inkeeping with the countryside setting.
- Support, providing donkeys needs are met.
- Well planned and sustainable form of rural development.
- Combines appropriate land management, high standards of animal welfare and ecological enhancement.
- Donkey enclosure and stable will provide suitable care and welfare facilities.
- Tractor parking is a practical requirement for maintaining the land.
- Wildlife pond will provide a new freshwater habitat for amphibians, aquatic invertebrates, birds, pollinators and other wildlife.
- Meets NPPF objectives to protect and enhance the natural environments and secure measurable gains for biodiversity.
- The development is of a scale and design that respects the rural character of the area.
- Shepherd huts sit comfortably within a countryside setting.
- The proposal includes direct ecological benefits, promotes sustainable rural land use, habitat creation and responsible stewardship of the land.
- The proposal will deliver positive environmental outcomes and biodiversity enhancement.
- Proposal appears to be a sensitive, appropriate, low impact rural use of the land.
- The shepherd huts are minimal in scale and appropriate in the context of the wider proposal.
- Thoughtful rural scheme that would make productive use of the land whilst maintaining its rural character.
- Historically the land has been used for grazing horses and agricultural purposes, but it had become overgrown and unmanaged.
- The current owner is managing the land, with a positive impact.
- The development of the donkey enclosure, stable, tractor parking, shepherd huts and pond are proportionate and inkeeping with the rural character of the area.
- It presents a sensible and balanced approach to land use by retaining the area in its current open and undeveloped state.
- With increasing pressure for housing in the local area, it is important to maintain spaces that contribute to the character of the community and avoid overdevelopment.
- This proposal helps preserve the openness of the area and keeps the field available for local wildlife, while providing a welcome alternative to further residential schemes.
- the proposed plan to use it to house donkeys and to include a large pond which will encourage biodiversity, is an excellent use of this agricultural land and not dissimilar from its original use (grazing horses).

8 Objections raise the following issues:

- Reservations over the large and small gates that have been installed without planning consent, and precedent this will create on Belmont Lane, eg for Thakeham Homes housing development.
- There was no existing access point, there is poor visibility.
- As Belmont Lane is a public bridleway and therefore, there is increased potential for conflict between vehicles and pedestrians and horses.
- Access could be created off Crossways garden.
- Inappropriate development/urbanisation of the countryside.
- Introduction of multiple structures, vehicle activity, engineered surfaces and domestic features into an open rural field.
- Development will permanently alter the rural character of the site.
- The shepherd huts are not genuinely essential agricultural structures, but represent leisure/recreational accommodation/domestic encroachment.
- Three shepherd huts are excessive and disproportionate for the keeping of 2 donkeys.
- Concern that the shepherd huts will become overnight accommodation/holiday use/recreational occupied/residential conversions.
- Harm to rural character and visual amenity behind properties on Hurst Road and on Belmont Lane.
- Suburbanising due to introduction of domestic paraphernalia, increased human presence, parked vehicles/machinery, lighting, built form where there is none.
- Agricultural need is weak, as the keeping of two donkeys is not an agricultural use.
- Associated development of huts, pond, recreational shelter is not required for animal welfare.
- Precedent for further access creation onto Belmont Lane and piecemeal development.
- Impact upon neighbouring residential amenity.
- Concerns regarding Biodiversity Net Gain exemption.
- The application has not been supported by adequate archaeological information, ie a full archaeological assessment and intrusive site investigation.
- The site lies in a 'local gap' between Hassocks and Hurstpierpoint, where new development is resisted.
- Contrary to District Plan Policies DP12 and DP13.
- There are different elements to the application: the agricultural -tractor parking, donkey enclosure and donkey stable, the proposed shepherd huts - ancillary residential accommodation to a neighbouring dwelling and the pond - a biodiversity improvement.
- the site does not form part of an established agricultural unit and there has been no historic agricultural uses on the site.
- No objection to the keeping of two donkeys on the land.
- Object to stationing and use of the three shepherd huts for residential purposes, which could be positioned within the curtilage of neighbouring property at Crossways.
- There has been no supporting ecological information to confirm that protected ecological species would not be harmed by the proposed development site.
- The proposal is contrary to District Plan Policies DP38.
- Contrary to the submission the development of the stable, hardstanding, tractor storage area and footprint of the shepherd huts would exceed 25 sqm, the 'de-minimis' exemption for biodiversity net gain, and the application should be refused for this reason.
- The vehicular access has already been created and the three shepherd huts are also in situ, so these elements of the application are retrospective
- Harm to highway safety from new access point, with poor visibility, onto Belmont Lane, which is a single track private lane and a public footpath and bridleway.
- Consideration should be given to the family connection/support for the proposal from the occupants of Crossways.
- The fields along Belmont Lane support free roaming deer and wildlife as a wider ecological corridor. The fencing will create a barrier to that passage. A planning condition could require wildlife-permeable lower rails or passage gaps.
- Concern that the construction of the hard standing for the tractor parking will compact adjacent tree roots, and harm the trees.
- Concern regarding regularity of service vehicle visits for the donkeys, ie vets, farriers, feed suppliers and mature removal.

- The site is close to the South Downs National Park boundary/ within the South Downs International Dark Sky Reserve.
- Concerned regarding the potential residential, holiday or entertainment use of the shepherd huts and light spill from evening or overnight occupation. Request a condition restricting external lighting be attached to any approval.
- Concern that the land was cleared of scrub and trees which provided a valuable wildlife haven/corridor, without preapplication advice/an ecological survey to provide a baseline assessment.
- The fencing, gates and shepherd huts have changed the character of the area.
- The shepherd huts look incongruous in this setting, are excessive and inappropriate for their stated storage use. Removing some, or all, of the huts would make the scheme more acceptable.

7 representations received following receipt of Amended Plans:

2 in Support for the following reasons:

- The proposed plans are a positive, sustainable use of the land that respects the existing agricultural character of the area.
- The proposed tractor parking area is a practical measure to keep mud off the public highway.
- The cleft chestnut fencing and donkey stable are low-impact, traditional structures.
- The three shepherd huts are low-density and visually unobtrusive, given their traditional design and layout.
- a planning condition to restrict the huts to private, personal enjoyment and non-commercial, incidental agricultural use would give neighbours clear assurance against any future use.
- The new wildlife pond is an ecological asset that will provide a genuine net gain for local biodiversity/birds/wildlife.
- The plans protect the 'gap' between Hassocks and Hurstpierpoint from further residential development.
- The shepherd huts are stunning and look in place in their locations.
- The field was little maintained, overgrown and poorly perimetered.
- The new owners have taken care in what they have removed and retained, resulting in a more open landscape that encourages wildlife and allows neighbours to enjoy it.

5 Objections raise the following issues:

- Repeat previous objections.
- Agent can provide no photographic evidence, as there was no former access.
- Concerned regarding donkey related traffic on Belmont Lane.

SUMMARY OF CONSULTEES

WSSC Highways: This proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, is not contrary to the National Planning Policy Framework (paragraph 116), and there are no transport grounds to resist the proposal.

WSSC Rights of Way: The original recommendation was one of 'No Objection'.

As a result of contact from concerned residents a site visit has been conducted. The recommendation remains 'No Objection,' however the applicant is advised that a public access right has precedence over a private access right.

Access along a PROW by contractors' vehicles, deliveries or plant is only lawful if the applicant can prove it has a vehicular right; without this an offence under the Road Traffic Act 1988 section 34(1) is being committed. The impact of development upon the public use, enjoyment and amenity of the PROW must be considered by the planning authority.

Flood Risk and Drainage: No objection on surface water and drainage grounds.

Tree Officer: I have reviewed the Tree Constraints and Protection Plan, Arboricultural Impact Assessment and Arboricultural Method Statement for this proposal and have no objection. Please condition adherence to these documents.

Environmental Protection: No adverse comments.

Naturespace/Newt Officer: It is considered that the proposed development would present a low risk to Great Crested Newts and/or their habitats. However, as the development is within the red Impact Risk Zone advice has been provided and an informative is recommended.

Archaeological Adviser: The West Sussex Historic Environment Record (HER) shows that the proposed development lies in an area with the potential for significant archaeological remains to survive, primarily those of a Roman date. The site is to the north-west of a confluence of multiple Roman Roads running through Mid Sussex, as evidenced by previous excavations along their route.

There is a likelihood that significant archaeological remains may survive on the site and be negatively impacted by the groundworks associated with the proposals.

Accordingly, I recommend a condition to require a programme of archaeological monitoring and recording is carried out on the groundworks associated with the proposals, to record any archaeological remains impacted.

Ecologist: No ecological objection, subject to recommended planning conditions. If external lighting is required, we recommend that a Wildlife Friendly Lighting Strategy is implemented and is secured by a condition to avoid impacts to foraging and commuting bats. We support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, comprising a wildlife pond. This will secure net gains for biodiversity. We are satisfied that the Application Form provides sufficient information with regard to mandatory biodiversity net gains and that the development meets the de-minimis exemption. The development is exempt from the statutory requirement of mandatory biodiversity net gains. Recommend an informative for mobile protected and Priority species (including Hedgehog).

Southern Water: South East Water are the relevant statutory undertaker for water supply.

SE Water: None received.

PARISH COUNCIL OBSERVATIONS

Hassocks Parish Council: Recommend permission is granted.

Hurstpierpoint Parish Council: The Committee recommends that MSDC grant permission, but would request that a condition is added that this land cannot be used for housing in the future.

INTRODUCTION

This application, as originally submitted seeks planning permission for a proposed tractor parking area, donkey enclosure, donkey stable, 3 shepherd huts and a wildlife pond. During the course of determining the application additional supporting photographs, information and fencing details have been provided and retrospective consent is also sought for 2.1m high boundary fencing and access gates serving the land. An Arboricultural Method Statement, Tree Report and Tree Constraints and Protection Plan were received on 13.07.2026 to further support the proposals.

The land to which the application relates is sited on the eastern side of Belmont Lane and to the north of Nos 42-54 Hurst Road, in Hassocks.

RELEVANT PLANNING HISTORY

None found.

SITE AND SURROUNDINGS

The 2.05 hectare field which is the subject of this application is in the ownership of the residents of No 52 Hurst Road and Crossways on Belmont Lane. The land lies in an area of countryside, outside the built up areas of Hurstpierpoint and Hassocks, within a Local Gap between those settlements, as defined in the Hassocks Neighbourhood Plan. The built up area boundary of Hurstpierpoint extends around the curtilage of the neighbouring residential property at The Haven, which is located to the south west of the land and along the western edge of Belmont Lane, on the opposite side to the site.

The residential curtilages of dwellings located at Crossways as well as houses located at Nos 50, 46, 44, and 42 Hurst Road (from west to east) adjoin the southern boundary of the land to which this application relates. These properties also lie in the Local Gap in designated countryside, outside the built up areas of Hurstpierpoint and Hassocks.

Belmont Lane runs north to south along the western boundary of the land, from which a vehicular and pedestrian gated access points have been created. Belmont Lane is the route of Bridleway HAS/8C/4. Due to the presence of natural vegetation growing close to the gates public views into the land are limited.

The site is located within a Red Grade Archaeological Notification Area close to the line of a Roman Road.

A small part of the eastern side of the site is at risk of Surface Water Flooding.

APPLICATION DETAILS

This application seeks planning permission for the use of a 2.05 hectare field for the following: a tractor parking area, a donkey enclosure with an associated stable, the stationing of three shepherd huts on the land and the formation of a wildlife pond. Retrospective consent is also sought for 2.1m high boundary fencing and access gates to a vehicular access point serving the land.

The land has been recently partly cleared of shrub growing in the areas of the proposed tractor parking, the donkey enclosure and the stable area. The cleared vegetation has been formed into a dead hedge, which has been created parallel to the western boundary. The proposed tractor parking area is immediately inside the gateway and measures approx. 8m wide by 12.5m long. The plan details that this will be finished with a weed proof membrane and a Type 1 surfacing material.

There are no donkeys or any other farm or domesticated animals currently on the land and no enclosure has been created for a paddock area to date. The proposed donkey area measures 59m by 45m, with a 22m by 15m southern section adjoining the boundary with the adjacent garden at Crossways. The area of the donkey enclosure, as marked on the Block Plan, has an area of 2685 sqm. The area is proposed to be enclosed with two rail cleft chestnut fencing.

A 5.4m wide by 2.6m deep stable building is proposed on the western side of the enclosed donkey paddock. The building is a , with a 3m deep by 7m wide concrete frontage to the front for donkey grooming, etc.

Three shepherd huts, which are wooden hut structures on wheels, have been brought onto the land and these are located towards the southern and eastern boundaries. They are referred to as SH1, SH2 and SH3 on the submitted block plan. The applicant's agent has confirmed that they are not to be used for Air BnB use, but are to be used in association with the use of the land, as follows:

Hut No 1 (SH1 as referred to on the submitted Block plan) currently has a green painted finish. This has a proposed use for dry storage for small land maintenance tools and donkey feed/bedding/rugs/equipment storage.

Hut No 2 (SH2 as referred to on the submitted Block plan) currently has a brown wood finish. To be used for bee keeping equipment storage and planned future use for chickens.

Hut No 3 (SH3 as referred to on the submitted Block plan) currently has a blue/white painted finish, but may be painted green. To be used for proposed rest room/day time recreational use adjacent to the proposed wildlife pond.

The proposed wildlife pond is positioned in the north eastern corner of the field and has a organic form. The Block Plan shows the pond to measure a maximum of 25.7m in width and between 22.7m to a maximum of 25.7m wide.

The application has also been supported with the following documents:

- Planning Statement
- Heritage Statement
- Photographs
- Tree Report
- Tree Constraints Plan/Tree Protection Plan
- Arboricultural Method Statement
- Supporting email from Agent
- Supporting letter from Sadler Planning

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 District Plan, the Hassocks Neighbourhood Plan and Site Allocations DPD.

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

Mid Sussex District Plan

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

Relevant policies:

- DP12 Protection and Enhancement of Countryside
- DP26 Character and design
- DP29 Noise, Air and Light Pollution
- DP34 Listed Buildings and Other Heritage Assets
- DP37 Trees, Woodland and Hedgerows
- DP38 Biodiversity
- DP41 Flood Risk and Drainage

Site Allocations Development Plan Document

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

There are no policies deemed relevant to this application.

Neighbourhood Plan

Hassocks Neighbourhood Plan -made 24 June 2020.

- Policy 1 Local Gaps
- Policy 4 Managing Surface Water
- Policy 9 Character and Design

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 hearings were concluded on 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS2 Sustainable Design and Construction
DPS4 Flood Risk and Drainage
DPN4 Trees, Woodland and Hedgerows
DPN1 Biodiversity, Geodiversity and Nature Recovery
DPN7 Noise Impacts
DPC1 Protection and Enhancement of the Countryside
DPB1 Character and Design
DPB2 Listed Buildings and other Heritage Assets

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)

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
- Impact on residential amenities
- Impact upon trees
- Archaeological impact
- Flooding and Drainage
- Ecology
- BNG
- Other matters

The Principle of Development

The primary objective of the MSDC District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development that does not need to be there. Policy DP12 is relevant. The policy seeks to protect the countryside from inappropriate development. Rural development will be permitted where it maintains, or where possible enhances, the quality of the rural and landscape character of the District, and/or is necessary for the purposes of agriculture, or is

supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

The site is within a Local Gap, as defined in the Hassocks Neighbourhood Plan. Neighbourhood Plan Policy 1 - Local Gaps states:

'Local Gaps have been defined and will be safeguarded between:

- a. Keymer/Hassocks and Ditchling;*
- b. Keymer/Hassocks and Hurstpierpoint;*
- and c. Keymer/Hassocks and Burgess Hill.*

As defined on the Policies Map with the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.

Development will be supported within the Local Gap where:

- 1. It is necessary for the purposes of agriculture, or other uses which accord with national and local policies for the use of land and buildings in the countryside; or*
- 2. It is a scheme for housing that is in accordance with MSDP Policy DP6 (1-3) or Policy SD25 of the South Downs Local Plan as appropriate to the location of the proposed development; and it would not compromise individually or cumulatively the objectives and fundamental integrity of the gaps between Hassocks and the settlements of Ditchling, Hurstpierpoint, and Burgess Hill.'*

The proposal is essentially for a mixed use of the land, and this varies from its historic use as an agricultural field. This proposed change has resulted in local objections and concerns.

The proposed use of the land is essentially maintained agricultural, with the provision of a tractor parking area, a new wildlife pond, with an area of 2985 square metres fenced in as a paddock designated for donkey grazing/ recreational use associated with the applicant's nearby property at 52 Hurst Road.

The donkeys in this case are essentially pets and will serve to graze an area of the land, and are to be sheltered in a bespoke stable building with a concrete forecourt.

It is accepted that simply grazing animals such as horses in a field falls under accepted agricultural use, although horses and donkeys are not classed in the UK as livestock for agricultural purposes. Equestrian activities are treated as leisure or recreation, rather than as a farming activity. Much as horses are not agricultural animals, nor are donkeys. The donkeys will graze part of the land, in the same way as horses could, and require a field with appropriate shelter.

The proposed use, access creation and the proposed new stables need to be considered against the relevant planning policies. In determining whether the proposal represents an appropriate development for this site it is relevant to consider whether it will maintain, or enhance, the quality of the rural and landscape character of this small plot of land off Belmont Lane.

To date the land has been altered as a result of land clearing, including the removal of shrub and some smaller self seeded trees. The cleared plant materials and natural vegetation has been gathered and made into a dead hedge. The benefits include: habitat creation, formation of a wind break, a means to recycle organic material and release nutrients back to the land and to form a privacy screen.

The installation of three shepherd huts on wheels on the land does not itself constitute development for which planning permission is required. Being moveable structures these huts are vehicles rather than permanent buildings.

The proposed donkey stable is, however, development that requires planning permission. It is considered that the position and scale of the stable building has been carefully considered and the design is considered acceptable. It is considered that the provision of a small timber stable on the land is essential for the welfare of the animals and will not create a harmful impact upon the rural setting of the land or the wider landscape. The principle of the proposal is therefore acceptable.

The proposal will therefore accord with the aims of District Plan Policy DP12 and Policy 1 of the Hassocks Neighbourhood Plan.

Design

Policy DP26 of the District Plan requires all proposals to be well designed and to reflect the distinctive character of the towns and villages while being sensitive to the countryside.

As the site is located in Hassocks the development plan in this part of Mid Sussex consists of the District Plan and the Hassocks Neighbourhood Plan. The Neighbourhood Plan contains Policy 9. This states:

'Policy 9: Character and Design

Development proposals will be supported where they have regard to the Hassocks Townscape Appraisal, and where their character and design takes account of the following design principles as appropriate to the nature, scale and location of the particular proposal:

- 1. Is of high quality design and layout;*
- 2. Contributes positively to the private and public realm to create a sense of place;*
- 3. Respects the character and scale of the surrounding buildings and landscape;*
- 4. Protects open spaces and gardens that contribute to the character of the area;*
- 5. Protects valued townscapes and the separate identity and character of Hassocks, Keymer and Clayton;*
- 6. Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security;*
- 7. Creates safe, accessible and well connected environments;*
- 8. Protects existing landscape features and contributes to the village's Green Infrastructure network;*
- 9. Incorporates the use of local materials which are appropriate to the defined Local Townscape Character Area; and*
- 10. Positively responds to the local vernacular character of the defined Local Townscape Character Area.'*

The proposed stable building is a modest sized and of a standard design with horizontal timber walls and a shallow pitched roof. Whilst illustrated to be of unfinished wood, the building could be stained or painted in a subdued green or brown colour to blend in with the rural setting. The applicant has also expressed a willingness to change the external colour finish of the shepherd huts, if required.

The overall design of the stable is considered acceptable. As the stable is proposed in a sheltered position, screened by natural vegetation in views from Belmont Lane, it is considered that it will not harmfully affect the overall character and appearance of the area or public views from the public path.

Consequently the appearance of the proposed works are considered to accord with Policy DP26, Policy 9 of the Hassocks Neighbourhood Plan and with the relevant Design Guide principles.

Impact on residential amenities

Policy 9 of the Hassocks Neighbourhood Plan states that proposals should not cause 'unacceptable harm' with regard to neighbouring amenity whereas policy DP26 of the MSDP states that development 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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. As such, Policy 9 of the Hassocks Neighbourhood Plan is considered to take precedence and therefore the test in this instance is whether the development causes 'unacceptable harm' to neighbouring amenities as outlined above.

In addition Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other.

The immediate neighbouring properties are Crossways, off Belmont Lane, and the properties on Hurst Road to the south of the land. Objectors to the application have made reference to a family connection between the applicant and the occupiers of Crossways. This is not a planning consideration as the impact of the proposal has to be considered without personal considerations.

Crossways adjoins the southern boundary of the land. The proposed stable building is sited some 28m from the garden boundary of that property and would be over 50m from the residential property at Crossways. The other neighbouring houses on Hurst Road, with gardens backing onto the land are located over 100m from the southern boundary of the land. There are hedgerows and natural tree screens along the site boundary, shielding views of the land.

Given the detail of the proposal and the relationship with the neighbouring properties, it is deemed that no significant harm will be caused by the proposed development to the privacy, outlook, daylight and sunlight of the immediate residents.

Given the relationship and spacing of the adjacent residential properties it is considered that the proposal would not cause unacceptable harm to the amenities of existing nearby residents and therefore the proposal accords with the requirements of Policy 9 of the Hassocks Neighbourhood Plan, Policy DP26 of the District Plan and the relevant principles of the Design Guide.

Impact upon trees

The application has been supported by the submission of a Tree Report and an Arboricultural Method Statement (AMS) on the advice of the Tree Officer to address the impact of excavation and surfacing works at the site entrance to form the proposed tractor parking area which will affect the root protection areas of some of the trees.

The Tree Officer has reviewed the submitted supporting information and her further comments are reported above. It is considered that provided the works are carried out to accord with the submitted Tree Constraints and Protection Plan, Arboricultural Impact Assessment and Arboricultural Method Statement the trees growing on and adjacent to the vehicular access into the land will be appropriately protected.

The application is therefore recommended for approval, subject to the imposition of a planning condition to require the development to accord with these documents. With this condition in place the proposed development works will accord with the aims of District Plan Policy DP37.

Archaeological impact

The site falls within a WSCC red grade archaeological designation, which covers an area around the route of a Roman Road.

Policy DP34 of the Mid Sussex District Plan is relevant in the determination of this application and states (in part):

'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.'

Paragraph 207 of the NPPF is also relevant and states:

'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'

The NPPF contains policy advice for Conserving and Enhancing the Historic Environment. At Paragraph 218 the NPPF states:

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

The Council's Archaeology Consultant has reviewed the details contained in the submitted Heritage Statement and considered the details of the construction of the proposed wildlife pond, which will require excavation works over a sizeable area.

It is considered that the proposed wildlife pond can be constructed with appropriate mitigation measures to protect any potential historic remains. A planning condition is recommended to require a programme of archaeological monitoring is secured in accordance with a Written Scheme of Investigation to be submitted by the applicant, for approval by the Local Planning Authority. The second part of the recommended planning condition will require the applicant to submit a final archaeological report or (if appropriate) a Post Excavation Assessment report, depending upon any archaeological finds during the development works.

With this agreed condition in place the proposal will comply with the aims of District Plan Policy DP34 and the relevant NPPF guidance.

Flooding and Drainage

A small part of the eastern side of the site is at risk of Surface Water Flooding, and therefore the Council's Drainage Engineers have been consulted on the proposed development. No objection has been raised on surface water and drainage grounds.

It is considered that the proposal will not exacerbate local surface water runoff or create drainage issues. The proposal therefore accords with District Plan Policy DP41.

Ecology

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

Paragraphs 192 to 195 of the NPPF relate to habitats and biodiversity. Paragraph 193 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 application affects agricultural land. Due to the changes made to date on the land and the proposed creation of a wildlife pond the Council's Ecological Adviser has been consulted on the application.

It is recommended that a planning condition is attached to a planning consent to require a Biodiversity Enhancement Strategy for protected, priority and threatened species to be submitted for approval by the Local Planning Authority, within three months of the planning approval for the development.

The site lies within a red Impact Risk Zone for Great Crested Newts. The Newt Officer considers that the proposed development would present a low risk to Great Crested Newts and/or their habitats, but has recommended an Informative was attached to an approval for the proposed development to remind the applicant of their responsibilities under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), ie. that it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill Great Crested Newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place.

With the recommended Information it is considered that the application complies with Policy DP38 of the District Plan and the relevant NPPF guidance.

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 subject to the de-minimis rule, meaning that this development is exempt from providing biodiversity net gain.

Other matters

Access formation

Other matters that have been raised in representations from residents living on Belmont Lane include concerns regarding the creation of a pedestrian and vehicular access from the lane onto the land. The applicant has been approached to clarify if there were any access points prior to the purchase of the land by the applicant. No evidence has been provided to confirm this. The matter has been reviewed by the Planning Investigations Team. The land has been sold from a larger land holding. In order to service the land vehicular and pedestrian access points have been created from Belmont Lane.

The creation of a means of access onto a highway which is not a trunk road or a classified road (neither of which apply to Belmont Lane) can be carried out as permitted development under Class B of Part 2, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Legal rights

During the course of determining the application the description of the application was amended to include the erection of 2.1m high boundary fencing and access gates, for which retrospective consent is also required, as they are located adjacent to the highway.

Comments received from the Public Rights of Way Officer from WSCC during the course of determining the application have raised the issue of private access rights, see the comments which are reproduced above.

As a result the applicant has sought advice and submitted a letter of support from Sadler Planning, which is available to view on the planning file. This requests that the comments should not be the subject of a planning condition.

The determination of a planning application must be made on planning grounds, relevant to the use and development of land. These relevant matters are known as material considerations. Examples include impact on amenity, design, highway safety, flood risk, ecology, and heritage, but do not include property values, private views, business competition, personal disputes, or legal rights. The starting point is the statutory duty to decide applications in line with the development plan unless material considerations indicate otherwise. This "plan-led" test is long established under section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

Therefore the impact of proposed development upon the public use, enjoyment and amenity of the Public Right of Way on Belmont Lane can be considered, and have been addressed in assessment set out above, but the rights to use the PROW are not a consideration in the determination of this application.

PLANNING BALANCE AND CONCLUSION

The proposed development of the land for use as a donkey field, managed land and for the creation of a wildlife pond will not adversely affect the character and appearance of the land. The land use will not negatively impact upon the rural setting, or upon users of the PROW on Belmont Lane, or create a harmful impact upon the Local Gap.

The neighbouring residents' amenities will not be unacceptably impacted by the development of a donkey stable and field enclosure or from the association maintenance and use of the land. The proposal accords with the aims of District Plan Policy DP26, Neighbourhood Plan Policy 9 and the relevant principles of the Design Guide.

The application is recommended for approval, subject to a planning condition to ensure that the development accords with the submitted Tree Constraints and Protection Plan, Arboricultural Impact Assessment and Arboricultural Method Statement. With this condition in place the proposed development works will accord with the aims of District Plan Policy DP37.

The proposed wildlife pond can be constructed with appropriate mitigation measures to protect any potential historic remains, to address the policy aims of District Plan Policy DP34.

Consideration has been given to local flooding and drainage issues to accord with the aims of District Plan Policy DP41.

The development of the land will be subject to planning conditions to protect the wildlife and biodiversity to accord with the aims of District Plan Policy DP38 and the relevant NPPF guidance.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey