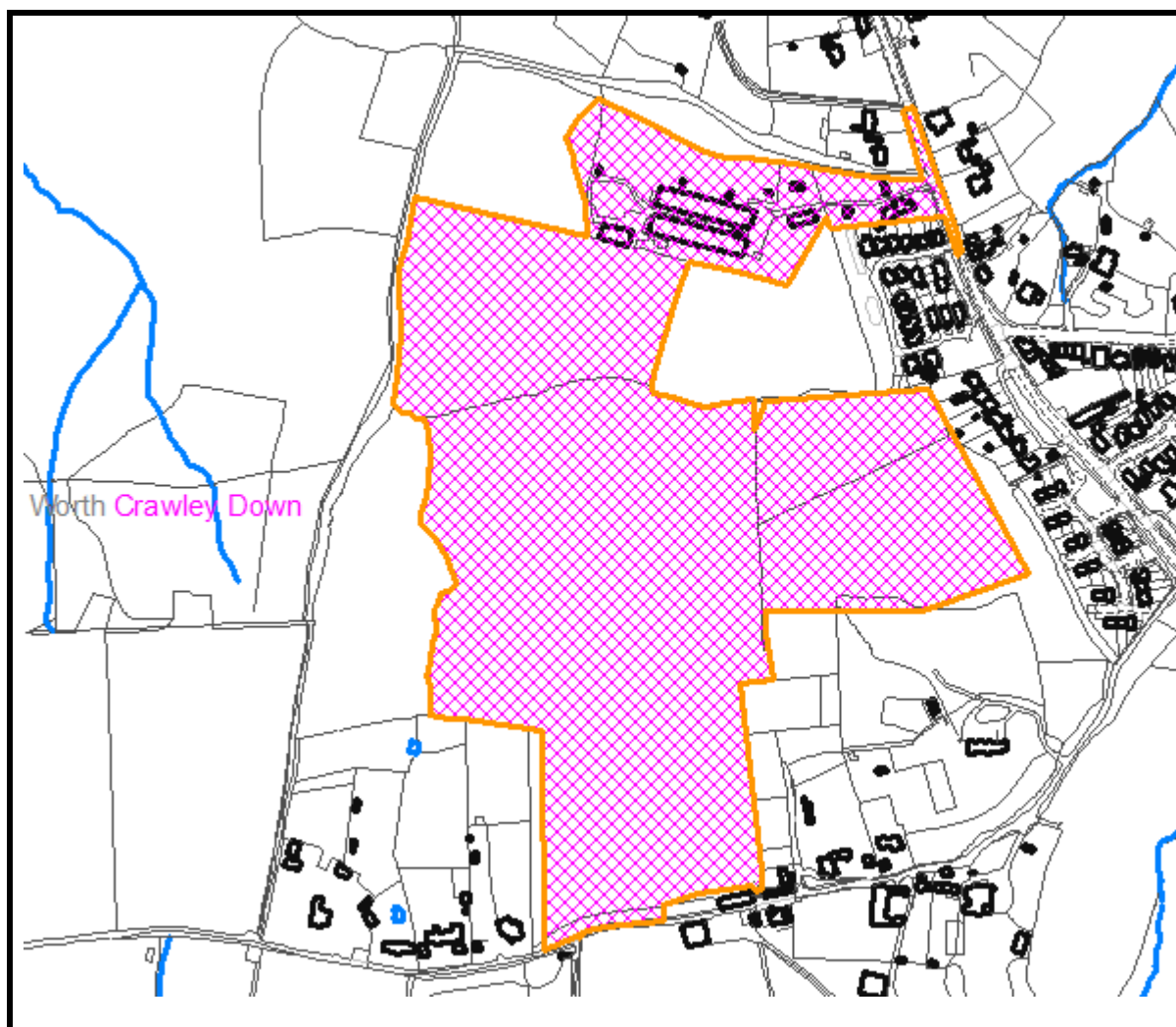


District Planning Committee

Recommended for Permission

28th May 2026

DM/26/0577



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Site:	Land West Of Turners Hill Road And North Of Huntsland Including Hurst Farm Turners Hill Road Crawley Down West Sussex
Proposal:	Outline application (appearance, landscaping, layout and scale reserved), for the demolition of existing buildings and erection of up to 230 dwellings, a care home (use class c2) up to 70 beds, and community facility, and associated infrastructure including new access points off of Turners Hill Road, with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works. (Additional drainage information received 30/03/26 and transport information received 24/04/26)

Applicant:	Wates Developments Ltd
Category:	Largescale Major Other
Target Date:	4th June 2026
Parish:	Worth
Ward Members:	Cllr Ian Gibson / Cllr John Hitchcock /
Case Officer:	Steven King

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=TBFBZKT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks outline planning permission for the demolition of existing buildings and erection of up to 230 dwellings, a care home (use class C2) up to 70 beds, and community facility, and associated infrastructure including new access points off of Turners Hill Road, with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works. It is the means of access that is to be determined at the outline stage, with appearance, landscaping, layout and scale to be determined in a subsequent reserved matters application.
- 2.2 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Crawley Down Neighbourhood Plan (CDNP).
- 2.3 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 2.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Crawley Down as defined by the District Plan. As such the site is located within the defined Countryside.

- 2.5 Policy DP12 of the MSDP refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposed development does not meet all of the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.
- 2.6 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 2.7 It is a relevant material planning consideration that outline planning permission has been granted on part of the site of this application for a major housing development of up to 150 dwellings and a 65 bed care home (application reference DM/25/0016). This was granted on 5th September 2025 and has established the principle of development on much of the site of this application.
- 2.8 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. At the present time, 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, having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. 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.
- 2.9 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policies DP12 and DP13 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application. Policy CDNP05 in the CDNP refers to a cap in the quantum of residential development of 30 dwellings and also refers to a maximum density of 25 dwellings per hectare. The cap on residential density does not accord with the advice in the NPPF to make efficient use of land. In addition, there is no explicit support in the NPPF for a limit of 30 dwellings for an individual planning application. For these reasons, and the fact that this is a housing supply policy, it is considered that the weight that can be afforded to policy CDNP05 is limited.
- 2.10 The proposal would provide up to 230 dwellings, Including 30% affordable housing and a care home of up to 70 beds. Given the inability of the Council to demonstrate a five year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.

- 2.11 In respect of its landscape impact, it is accepted that there will be a significant change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. This significant change in character will also be clearly visible from the public rights of way that run around the site. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the district, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.
- 2.12 The proposal would provide up to 230 dwellings, 30% of which would be affordable and a care home of up to 70 beds. The proposal complies with policies DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.
- 2.13 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.
- 2.14 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 2.15 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. The applicants are proposing to provide a net gain on site. This would comply with the relevant requirements. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case above the mandatory 10%), should be given positive weight in the planning balance.
- 2.16 There are no objections to the scheme from the Environment Agency or the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 2.17 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 2.18 The legal agreement will secure the required contribution towards the Strategic Access Management and Monitoring (SAMM) strategy for the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). In addition, the legal agreement will secure an open space on site that will be designed with Suitable Alternative Natural Greenspace (SANG) characteristics so that it will perform the same function as a SANG. Natural England have no objections to the proposal, and it is therefore considered that policy DP17 in the MSDP is met in respect of preventing adverse effects on the Ashdown Forest SPA and SAC.

- 2.19 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 2.20 Weighing against the application is the conflict with development plan policy in relation to policies DP6, DP12 and DP15 of the MSDP and policy CDNP05 in the CDNP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five year housing land supply. The weight to be attached to policy CDNP05 is reduced because of its lack of conformity with the NPPF and the fact that it is a housing supply policy.
- 2.21 Also weighing against the application is the harm that would be caused to the setting of designated and non-designated heritage assets around the site. This results in a conflict with policy DP34 of the MSDP. This harm would fall into the less than substantial category as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the less than substantial harm to designated heritage assets and the public benefits of the proposed development. In carrying out this balancing exercise, the decision maker should give significant weight to the less than substantial harm to properly reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable. The NPPF also requires a balanced judgement in relation to the impact on non-designated heritage assets.
- 2.22 It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, the economic benefits including construction jobs, additional spending in the locality), do outweigh the less than substantial harm to the setting of the heritage asset in this instance and, the non-designated heritage assets.
- 2.23 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 2.24 In light of all the above it is considered that the proposal complies with policies DP13, DP17, DP20, DP21, DP22, DP26, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the MSDP. There is partial compliance with policy CDNP05 in the CDNP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing. Whilst the site is proposed to be allocated for housing in the Submission Draft District Plan, the weight that can be attached to this document at present is minimal because of the stage the plan is at in its examination and the unresolved objections to this plan. Nonetheless, the site selection process which underlies the Submission Draft District Plan supports the conclusion that DPA9 and DPA10 are suitable and sustainable sites which are capable of helping to meet the Council's housing need. The proposal also conflicts with policy DP34 in the MSDP.
- 2.25 In relation to the CDNP it is considered the application complies with policies CDNP01, CDNP06, CDNP08, CDNP09 and CDNP10. The application complies with some, but not all the criteria within policy CDNP05.

- 2.26 Taking all of this into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the development plan that have been referred to in this report, the proposal does conflict 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'.
- 2.27 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.
- 2.28 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.
- 2.29 The proposal would provide up to 230 new dwellings and a care home at a time when the Council cannot demonstrate a five year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 2.30 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the public right of way network, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.
- 2.31 The proposal would have a negative impact on the setting of a number of designated and non-designated heritage assets. The proposal would also change the character of this part of the district from a green field site to a housing development, which some people would regard as a negative change.
- 2.32 It is also an important material consideration that planning permission has been granted for a major residential development (150 dwellings and a 70 bed care home) under application DM/25/0016. The LPA has therefore approved the principle of this

site being developed and the inevitable significant change to the character of the area.

- 2.33 It is your Planning Officer's view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required infrastructure contributions, Travel Plan, the biodiversity net gain requirements and the necessary affordable housing.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 20th August 2026 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

'The proposal fails to provide the required affordable housing, the infrastructure contributions and the biodiversity net gain requirements. The application therefore conflicts with Policies DP17, DP20, DP31 and DP38 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions'.

4.0 Summary of Representations

2 letters of objection

- Poor public transport in area
- Primary school is full
- Will result in more traffic on the road
- Road Safety Audit (RSA) needs further study as it was conducted in January and February where traffic flows may not be representative of other times of the year
- The RSA also states in section 2.5 that the site visit was made between the hours of 13.55 and 14.15hrs on 28th January 2026 which is a quieter period on Turners Hill Road B2028. As a result, no consideration is given to the very high traffic volumes that use this road during the rush hour periods in the morning and the early evening
- Section 2.5 said there were no cyclists, it was January and this is not a true representation of the number of cyclists in the warmer months

- Site is too far from local amenities so journeys will be made by car
- Not a sustainable development
- Infrastructure inadequate to serve the development, schools and doctor's surgeries are full
- adverse impact on wildlife in the area

29 letters of support

- Supporting as the new plan has the entrance to the estate via the current Hurst farm entrance rather than through the main Wychwood estate which would be unable to cope with the level of traffic.
- Care home will also now be relocated nearer the entrance.
- I do not support the original application which takes access through the Wychwood estate.
- This proposal has overcome my concerns to the previous application DM/25/0016
- This alternate access is supported in full by all residents of Wychwood Place, as you will see from the separate Wychwood Management Company comment
- As long as other environmental considerations such as drainage are taken into consideration I would not be opposed to this development.

5.0 Summary of Consultees

WSCC Planning (Infrastructure)

No objection subject to securing s106 Infrastructure contributions

WSCC Local Lead Flood Authority

No objection subject to conditions

WSCC Highway Authority

No objection subject to conditions and a legal agreement.

WSCC Public Rights of Way Officer

It is pleasing to see much consideration has been given to Public Rights of Way (PRoW) and the Worth Way within and in the immediate vicinity of the site. I welcome connections to the PRoW network.

WSCC Fire and Rescue Service

Request conditions regarding fire hydrants.

National Highways

No objection subject to conditions.

Active Travel England

Refers to standing advice.

NATS Safeguarding

No objection.

Aerodrome Safeguarding Officer

No objection.

Sussex Police Crime Prevention

To be reported.

Sussex Police Infrastructure

Require an infrastructure contribution.

West Sussex Clinical Commissioning Group

To be reported

Natural England

No objection subject to Ashdown Forest mitigation being secured.

Environment Agency

No objection subject to conditions.

Thames Water

Request an informative regarding minimising groundwater discharges into the public sewer.

Ecological Consultant

No objection subject to conditions.

Nature Space (Great Crested Newts)

Recommend that pond 10 is surveyed but ultimately, the decision on whether enough information has been provided here to justify the use of Reasonable Avoidance Measures lies with the LPA, and as such we defer to their decision. If the LPA decides they are satisfied with this approach, then the avoidance measures recommended for GCN (including ecological supervision and stopping works should GCN be discovered) should be secured via condition.

Landscape Consultant

No objection subject to conditions.

Heritage Consultant

No objection subject to conditions.

Contaminated Land Officer

No objection subject to conditions.

Environmental Health Officer

No objection subject to conditions.

Housing Enabling Team Manager

Support the application subject to the application providing 30% affordable housing in the approximate mix set out in my comments

Tree Officer

Whilst the amended access will result in the loss of a Cat B oak, this appears a preferable access in terms of arboricultural impacts. Most of the trees are around the site boundaries and tree removals are limited to C and U categories, which do not pose a constraint to development. I still have concerns about incursions into AW buffer, but I note the intention to avoid tree RPAs. A detailed method statement, materials specification etc will be required for all incursions within buffer zones.

Section 106 & Infrastructure Manager

Requires infrastructure contributions.

Conservation Officer

In my view the development will cause less than substantial harm to a number of designated and non-designated heritage assets located around the site.

Architect/Urban Designer

Overall, I support the submitted Perimeter Plans and the accompanying Illustrative Masterplan.

6.0 Worth Parish Council Observations

Defer to officer

7.0 Introduction

- 7.1 This application seeks outline planning permission for the demolition of existing buildings and erection of up to 230 dwellings, a care home (use class c2) up to 70 beds, and community facility, and associated infrastructure including a new access point off Turners Hill Road, with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works. It is the means of access that is to be determined at the outline stage, with appearance, landscaping, layout and scale to be determined in a subsequent reserved matters application.

8.0 Relevant Planning History

- 8.1 Planning permission was granted on 5th September 2025 under reference DM/25/0016 for the following development:

The erection of up to 150 dwellings, a care home (Use Class C2) up to 70 beds, and community facility, and associated infrastructure including new access points off of Wychwood with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works on land west of Turners Hill Road and north of Huntsland Turners Hill Road Crawley Down.

- 8.2 The site of the above approved application includes a significant proportion of the site of this current planning application.

- 8.3 Planning permission was granted on 5th September 2025 under reference DM/25/0014 for the following development:

Outline planning application (appearance, landscaping, layout and scale reserved) for the erection of up to 200 dwellings, and associated infrastructure including new access points off of Turners Hill Road with associated spine roads and car and cycle parking; the provision of open space and associated play facilities; utilities infrastructure, surface water drainage features, and associated features, on land west of Turners Hill Road and south of Huntsland, Crawley Down, West Sussex. 'Additional information received on 27/03/25 regarding Transport, Flood Risk, Landscapes, Heritage and an updated access and movement parameter plan, illustrative masterplan.'

- 8.4 The site of application DM/25/0014 is to the south of the site of this current planning application.

9.0 Site and Surroundings

- 9.1 The site of the planning application lies to the west of Turners Hill Road in Crawley Down. In planning policy terms, the site is within the countryside as defined in the District Plan. It is part of a larger site that is proposed to be allocated for development under policy DPA9 in the Submission draft District Plan, which is currently at examination. The site also now includes the land that is proposed to be allocated for development under policy DPA10 in the Submission draft District Plan.

- 9.2 There are two fields which are gently undulating. The southern field forms the higher reaches of a gentle ridge which drops away to the north, south and west; from 125m AOD (Above Ordnance Datum) at its highest point to 115m AOD along the southern boundary with AW33, to 117m along the western boundary with Bushy Wood and to its lowest point of 110m AOD along the north western boundary with Wins Wood and Pescotts Wood. Both fields are of varied shape and size and bordered by hedgerows and hedgerow trees.

- 9.3 Footpath AW35 run alongside the western boundaries of the site and connects via AW32 to Huntsland and thence Turners Hill Road, and via AW34 with the Worth Way which connects Crawley Down with Crawley to the west and East Grinstead to the east.

- 9.4 The northern part of the site contains several substantial redundant former agricultural buildings. There is an existing dwelling at the northeastern corner of the site, called Hurst Farm.
- 9.5 The land to the east of the application site is predominantly residential in nature with properties comprising a variety of different house types, ages, and styles, but predominantly two and two and a half stories. To the west there is woodland. To the north there are trees and planting along the boundary, with the public right of way beyond this. To the north of Hurst Farm is Westlands, a detached dwelling that is a grade 2 listed building.
- 9.6 To the south are fields that have the benefit of planning permission that was granted on 5th September 2025 under reference DM/25/0014.

10.0 Application Details

- 10.1 This application seeks outline planning permission for the demolition of existing buildings and erection of up to 230 dwellings, a care home (use class c2) up to 70 beds, and community facility, and associated infrastructure including a new access points off Turners Hill Road, with associated spine road and car and cycle parking, together with provision of open space, play facilities, utilities infrastructure, surface water drainage features, and associated works. It is the means of access that is to be determined at the outline stage, with appearance, landscaping, layout and scale to be determined in a subsequent reserved matters application.
- 10.2 The application is supported by parameter plans and an illustrative masterplan that shows how the internal layout of the site could be configured to accommodate the development that has been applied for.
- 10.3 The plans show that the development would be served by an access at Hurst Farm, which would be demolished. This access road would then run westwards into the site and would then loop southwards to provide access to the remainder of the site. The plans also show a new section of paved footway on the west side of Wychwood, which would terminate level with 36 Wychwood Place. The plans also show a new pedestrian/cycle/emergency access from the site onto Woods View. This would be controlled by a removeable bollards. There would be no vehicular access to the site from Wychwood Place.
- 10.4 The illustrative plans show that field 1 would contain residential dwellings. The illustrative layout plan shows this field being developed with the houses facing outwards around a looped access road. The parameter plans show the density in the centre of this field being up to 43 dwellings per hectare (dph) and up to 34dph on the edge of this field.
- 10.5 The illustrative plans show that field 2 would also contain residential dwellings. The illustrative layout plan shows this field being developed with the houses facing outwards around a looped access road. The parameter plans show the density in the centre of this field being up to 43 dph and up to 34dph on the edge of this field. The illustrative plans show an area of open space, allotments, community

orchard/garden, neighbourhood equipped area for play (NEAP) and a community gathering space at the southern end of this field.

- 10.6 The plans show that field 8 at the northern end of the site would contain the care home. Swales would be located at the northwestern part of the field. A replacement for the demolished dwelling at Hurst Farm would be located by the access road onto Turners Hill Road.
- 10.7 The building heights parameter plan shows that the replacement building at the northeast of the site would be two storeys, up to 9m in height, with the remaining development within the site being up to two and a half storeys, up to 11m in height.

11.0 Legal Framework and List of Policies

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

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

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

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

- 11.3 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.'

- 11.4 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.
- 11.5 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.
- 11.6 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Sites Allocations Development Plan Document (SADPD) and the Crawley Down Neighbourhood Plan (CDNP).

- 11.7 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.
- 11.8 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 11.9 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application was submitted after mandatory biodiversity net gain coming into effect, so this application is subject to the 10% mandatory biodiversity net gain introduced under schedule 7A referred to above.
- 11.10 The following list of policies are relevant in the determination of this application.
- 11.11 Mid Sussex District Plan (MSDP) 2014-2031

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

DP4 Housing

DP6 Settlement Hierarchy

DP12 Protection and Enhancement of Countryside

DP13 Preventing Coalescence

DP15 New Homes in the Countryside

DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP20 Securing Infrastructure

DP21 Transport

DP22 Rights of Way and other Recreational Routes

DP23 Communication Infrastructure

DP24 Leisure and Cultural facilities and Activities

DP26 Character and Design

DP27 Dwelling Space Standards

DP28 Accessibility

DP29 Noise, Air and Light Pollution

DP30 Housing Mix

DP31 Affordable Housing

DP34 Listed Buildings and other Heritage Assets

DP37 Trees, Woodland and Hedgerows

DP38 Biodiversity

DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

DP42 Water Infrastructure and the Water Environment

11.12 Mid Sussex Site Allocations Development Plan Document (SADPD)

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

SA38 Air Quality

11.13 Crawley Down Neighbourhood Plan

The Crawley Down Neighbourhood Plan was made on 28th January 2016. Relevant policies:

CDNP01 - Securing Sustainable Local Infrastructure

CDNP05 - Control of New Developments

CDNP06 - Sustainable Drainage Systems

CDNP07 - Retention of Existing Employment Sites and the Use of Vernacular Buildings

CDNP08 - Prevention of Coalescence

CDNP09 - Protect and Enhance Biodiversity

CDNP10 - Promoting Sustainable Transport

11.14 Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

11.15 Other Material Considerations

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

11.17 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.

11.18 The site of this application is part of a wider site that is proposed to be allocated for development under policy DPA9 in the Submission Draft District Plan. Policy DPA9 refers to the site as land to the west of Turners Hill Road, Crawley Down, and proposes to allocate the site for 350 dwellings. The policy refers to the following being provided on site:

- Community building
- Allotments
- 50 bed (C2) care home
- Play area
- Other outdoor provision
- Outdoor sports 52 (footnote 52 Subject to further discussion regarding overall provision within settlement, refer to IDP for most up-to-date position.)
- Informal outdoor space

The policy refers to financial contributions towards the provision of:

- Sustainable Transport
- Education
- Library
- Local Community Infrastructure
- Emergency services
- Ashdown Forest SPA and SAC mitigation

11.9 The policy also refers to the provision of:

- Sustainable transport measures
- Highway works
- Sewerage network upgrades

11.20 The site of this application also includes the site that is proposed to be allocated under policy DPA10 in the Submission Draft District Plan for 37 dwellings. Policy DPA10 refers to the following being provided on site:

- Natural, semi-natural and amenity green space

The policy also refers to financial contributions towards the provision of:

- Sustainable Transport
- Education
- Library
- Community buildings
- Local Community Infrastructure
- Ashdown Forest SPA and SAC mitigation measures
- Health
- Play area
- Other outdoor provision
- Outdoor sports
- Parks and Gardens

11.21 Whilst minimal weight can be afforded to the Submission Draft District Plan as a statement of policy, it is relevant to note that all the sites that are proposed to be allocated for residential development in the Submission District Plan are supported by a significant evidence base, which was formed during the site selection stage of the District Plan preparation.

11.22 All the sites that are proposed to be allocated for residential development in the Submission Draft District Plan have gone through the same site selection process. The methodology that was followed to develop a shortlist of potential housing sites that could be allocated in the Revised District Plan was set out in the paper entitled District Plan Review: Site Selection Methodology, October 2023. The final decisions on which sites were allocated in the Revised District Plan was informed by other evidence documents such as Sustainability Appraisal and Habitat Regulation Assessment. The site selection process was developed in order to determine the most sustainable and developable sites in accordance with the NPPF, which will ensure that the site selection is consistent with the principles of sustainable development and consistent with the policies within the NPPF.

11.23 The initial step was to identify the pool of sites for consideration and assessment. The NPPF requires all local authorities to prepare a Strategic Housing Land Availability Assessment (SHELAA), to enable them to have a clear understanding of

the land available in their area. The SHELAA 2023 (Stage 1) provides the pool of sites, from which specific deliverable and developable sites have been identified and allocated through the Plan making process. Stage 2 of the process was the detailed assessment of sites. This included three steps by which sites can be rejected resulting in a final shortlist of sites for further testing at Stage 3. This ensured that only the most suitable, sustainable and deliverable sites were proposed for allocation.

- 11.24 There are 14 criteria which each housing site was assessed against, split into three parts: Environmental Constraints, Deliverability and Accessibility. The first section of the assessment considered the Environmental constraints. This section of the criteria has been developed to reflect the requirement of the NPPF to steer development away from the most environmentally sensitive locations. The Council used the site selection stage to ensure that the greatest weight is given to those criteria. The second section of the assessment looked at the Developability considerations. This took account factors such as availability of sites and the achievability of appropriate and safe access. The third section of the assessment looked at Accessibility; the proximity and connection of sites in relation to services to ensure sites are located in the most sustainable places.

- 11.25 Appendix 4 of the Site Selection Methodology paper provides the following conclusion in relation to site allocation DPA9: *'The Sustainability Appraisal concludes that, overall, the site represents a sustainable option for allocation. The transport modelling undertaken to date for the District Plan Review does not indicate that there will be any showstoppers, associated with this site. The HRA does not identify any likely significant effect on the Ashdown Forest SPA and SAC, subject to appropriate mitigation. In terms of air quality, there are currently no anticipated significant effects on the Stonepound Crossroads AQMA, or adverse impacts on the Ashdown Forest.'*

In light of the above, it is considered that the site represents a suitable option for allocation. Therefore this site is allocated in the District Plan 2021 – 2039 Proposed Submission (DPA9).'

- 11.25 Appendix 4 of the Site Selection Methodology paper provides the following conclusion in relation to site allocation DPA10: *'The Sustainability Appraisal concludes that, overall, the site represents a sustainable option for allocation. The transport modelling undertaken to date for the District Plan Review does not indicate that there will be any showstoppers, associated with this site. The HRA does not identify any likely significant effect on the Ashdown Forest SPA and SAC, subject to appropriate mitigation. In terms of air quality, there are currently no anticipated significant effects on the Stonepound Crossroads AQMA, or adverse impacts on the Ashdown Forest.'*

In light of the above, it is considered that the site represents a suitable option for allocation. Therefore this site is allocated in the District Plan 2021 – 2039 Proposed Submission (DPA10).'

- 11.26 In short, in the preparing of the Submission Draft District Plan the Council has been through what officers consider to be a rigorous process of site selection, which has

concluded that the DPA9 and DPA10 allocations are a sustainable location and are sites within the district which are most suitable for meeting the district's housing need.

11.27 Mid Sussex Design Guide Supplementary Planning Document (SPD)

11.28 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.

11.29 SDP Development Infrastructure and Contributions (2018)

11.30 Affordable Housing Supplementary Planning Document (SPD)

11.31 WSCC: Guidance on Parking at New Developments (Sept 2020)

11.32 National Planning Policy Framework (NPPF) (December 2024)

11.33 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.

11.34 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.'*

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

11.36 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.'

11.37 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.'

11.38 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.

11.39 National Planning Policy Guidance

11.40 Position Statement 1: Delivering Sustainable Development in Mid Sussex

11.41 Approved by the Council in December 2025, the position statement is a material consideration in the determination of planning applications and provides guidance on how the Council will consider speculative planning applications to ensure future development takes place in the right places, is delivered in a sustainable and high-quality manner and is accompanied by the necessary infrastructure.

11.42 Section 5 of the Position Statement sets out that the Council continues to support the delivery of the housing sites and sustainable communities identified for development of the Submission Draft District Plan, of which the application site is one (policies DPA9 and DPA10 refer).

11.43 The Position Statement sets out that the Council will expect planning applications on the preferred sites to comply with the site-specific principles as set out in the Submission Draft District Plan. This reflects that many of the site-specific policy principles were the subject of discussion and agreement with site promoters/developers during the preparation of the Plan.

11.44 Section 6 of the Position Statement sets out eight decision making principles, which reflect the chapters of the Submission Draft District Plan, which need to be taken into account as part of the decision process for any application. These principles are as follows:

- Sustainability
- Natural Environment and Green Infrastructure
- Countryside
- Built Environment
- Transport
- Economy
- Housing
- Infrastructure

12.0 Assessment

12.1 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

- Transport matters
- Landscape Impacts and impact on agricultural land
- Coalescence
- Heritage Assets
- Design/layout/housing mix, sustainability
- Affordable housing and mix
- Residential amenity
- Air quality
- Contaminated land
- Trees and Ecology
- Drainage
- Infrastructure
- Ashdown Forest
- Planning Balance and Conclusion

12.2 Principle of Development

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

12.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Crawley Down as defined by the adopted District Plan. As such the site is located within the defined countryside.

12.5 Policy DP12 of the MSDP refers to the protection of the countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposal does not meet all the criteria of policy DP12.

12.6 Policy DP6 of the MSDP states in part that:

'Outside defined built-up area boundaries, the expansion of settlements will be supported where:

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built up area of the settlement; and*

3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

12.7 The proposed residential development does not meet all these criteria.

12.8 Policy DP15 of the MSDP refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include:

- Essential agricultural or forestry workers accommodation
- Exceptional design quality for isolated new homes
- Rural exception sites
- DP6 requirements being met

12.9 The proposed residential development does not meet any of these special justifications.

12.10 There are no other relevant policies in the District Plan, any other Development Plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site.

12.11 As the site is not allocated for residential development in the Development Plan, the application is in conflict with policies which are central to the principle of development at this location, and your Planning Officer considers that the proposed development does not accord with the Development Plan, when read as a whole. 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. It is therefore necessary to consider other material planning considerations which outweigh this conflict with the development plan.

12.12 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.

12.13 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).

12.14 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.'*

- 12.15 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.
- 12.16 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of deliverable housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.
- 12.17 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.
- 12.18 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).
- 12.19 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.
- 12.20 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.
- 12.21 Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to

the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

- 12.22 Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.

- 12.23 Policy CDNP05 in the CDNP states:

'Subject to the other policies of this Neighbourhood Plan; Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:

- a) The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*
- b) Individual developments will not comprise more than 30 dwellings in total, with a maximum density of 25 per Ha and spacing between buildings to reflect the character of the area (11).*
- c) Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- d) The individual plot sizes are proportionate to the scale of the dwelling.*
- e) Open green spaces are provided in accordance with the Local Plan standard provisions.*

Where practical open spaces should provide linkage/connection to elements of the local footpath network.

- f) Construction materials are compatible with the materials of the general area and are locally sourced where practical.*
- g) The traditional boundary treatment of the area is provided and where feasible reinforced.*
- h) Suitable access and on-site parking is provided without detriment to neighbouring properties.*
- i) The development is arranged such that it integrates with the village.*
- j) Housing need is justified.*
- k) The development does not impact unacceptably on the local highway network.*
- l) Issues raised in the local housing supply document site assessment are satisfactorily addressed.*
- m) Has a range of dwelling sizes and in particular provides dwellings that are suited to the needs of both young families and older residents.*

n) Includes affordable homes as required by District policy.

o) Proposals for new housing developments must meet the standards set out in Appendix 1

p) Developments of 6 (12) or more dwellings should provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:

Market Housing At least 75% 2-3 bedroom houses and up to 25% other sizes

Affordable Housing At least 80% 2-3 bedroom houses and Up to 20% other sizes (13)

Footnote 11: The numbers set levels to;

i) ameliorate the impact of development on any single part of the village, control rate of growth and consequent impacts on community and infrastructure.

ii) to provide adequate open space and separation between dwellings.

iii) to provide adequate on site space to meet the parking provisions of item r)

iv) 25/Ha based on existing density of 23.64/Ha when principle non estate roads, civic/commercial areas and existing open spaces are excluded.

v) reflect the desire for smaller developments whilst recognising that sites must be viable for developers.

Footnote 12: The number 6 reflect the MSDC designation of "smaller sites" while enabling a useable split using the housing mix requirements

Footnote 13: The numbers are based on the need to meet the findings of the village housing study which clearly identified the above mix to meet the needs of those entering the housing market and those wishing to down size and release larger houses to the market.'

- 12.24 This policy refers to a cap in the quantum of residential development of 30 dwellings and refers to a maximum density of 25 dwellings per hectare. The cap on residential density does not accord with the advice in the NPPF to make efficient use of land. In addition, there is no explicit support in the NPPF for a limit of 30 dwellings for an individual planning application. For these reasons, and the fact that this is a housing supply policy, it is considered that the weight that can be afforded to policy CDNP05 is limited.
- 12.25 It is a relevant material planning consideration that outline planning permission has been granted under reference DM/25/0016 for a major housing development on a large proportion of the site. This has established the principle of development on a significant proportion of the site.
- 12.26 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.

12.27 **Transport matters**

12.28 Policy DP21 in the MSDP states:

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

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

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

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- The scheme protects the safety of road users and pedestrians; and*
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

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

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

- 12.29 With regard to the NPPF section 9 deals with 'promoting sustainable transport' and paragraphs 115 – 118 directly relate to the 'consideration of development proposals', and they are set out below;

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

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*

116. 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.

117. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

118. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.'

- 12.30 Policy DPA9 of the Submission Draft District Plan lists the following requirements in relation to transport:

'6. Integrate and enhance the existing PRoWs within the site and retain the character of PRoWs that border the site.

7. Provide suitable pedestrian and cycle connections to Crawley Down, including via the Worth Way.

8. Integrate development with the site to the north (DPA10) such as through the design of the site layout and by providing pedestrian and cycling connections between the developments, green infrastructure and ecological corridors.

9. Provide suitable access to Turners Hill Road to each of the three areas of the site. The northern access is to be via Wychwood Place and the middle access and route through site is to be separate from Huntsland which will remain a no through road and public right of way.'

- 12.31 Policy DPA10 of the Submission Draft District Plan lists the following requirements in relation to transport:

'3. Integrate development with the site to the south (DPA9) such as through the design of the site layout and by providing pedestrian and cycling connections between the developments, green infrastructure and ecological corridors.

5. Provide suitable vehicular, pedestrian and cycle access from Turners Hill Road.'

- 12.32 Although, for the reasons set out in in paragraph 11.17 of this report, Policies DPA9 and DPA10 have limited weight, this list remains helpful in identifying the site-specific requirements which are necessary in order to satisfy paras 115-118 of the NPPF.

- 12.33 The application has been supported by a Transport Assessment (TA), Framework Travel Plan and Road Safety Audit. All these documents have been carefully considered by the Local Highway Authority (LHA) and National Highways, and their comments are summarised at the start of this report and are available in full on the planning file.

- 12.34 There are several differing highway elements that need to be considered when determining this application; Access arrangements; Impact on highway network; Sustainable transport; and Parking. All these elements will be considered separately in the following paragraphs.

- 12.35 Access arrangements and offsite works

- 12.36 The plans show that the site would be accessed via a simple priority junction on Turners Hill Road. This would be in the location of the existing access that serves Huntsland. This would feature a raised table at the crossover to slow vehicles down and facilitate pedestrians crossing the road. At this point, Turners Hill Road is subject to a 30mph speed limit. The LHA have confirmed that suitable visibility splays of 59m to the north and south can be provided, stating *'whilst 59 metres are demonstrated, it's apparent that significantly greater distances can be achieved within the existing public highway.'*

- 12.37 A separate emergency access, which will also facilitate pedestrian and cycle connectivity to Wychwood Place / Green, is proposed. However, no vehicular access onto Wychwood Place is proposed. This proposed access would have a bollard to prevent general vehicular use.

- 12.38 With regards to the proposed access, the LHA have raised no objections to this, stating *'In reviewing the current vehicular access arrangement, WSCC are mindful of the approved access arrangement via Woods View and Wychwood. As part of comments on DM/25/0016, WSCC readily acknowledged that the vehicular access through these existing roads was far from ideal with the highway arrangement not being designed with the potential additional development in mind. The proposed*

arrangement is therefore very much viewed as a betterment although DM/25/0016 remains extant and implementable.'

- 12.39 The LHA asked the applicant to consider amending the kerb radii of the access from 6m to 7.5m. This was requested in light of traffic flows on the B2028 and to ease the exiting movement of vehicles. The applicants responded to this request in a Technical Note, which stated *'This amendment cannot be implemented as the larger radius will increase hardstanding and exacerbate impacts on the root protection areas of several mature trees at the site boundary, which are to be retained. With additional hardstanding, there is a risk of losing a mature oak adjacent to Turners Hill Road. The design as drawn is acceptable: the proposed kerb radius is adequate, being comparable to that at Wychwood Place to the south. It has also been the subject of a Stage 1 Road Safety Audit. The design takes account of paragraph 6.8.1 of MfS, which discourages design which dominates a site layout.'*
- 12.40 The LHA have considered the applicants Technical Note and have stated *'WSCC Highways consider all previously raised points to have been addressed. On this basis, no highway objection would be raised.'*
- 12.41 Your Planning Officer agrees with the above comments. The proposed point of access is considered acceptable and there are no highway safety reasons to resist the proposal.
- 12.42 In terms of offsite works associated with this application, the application proposes a 3.7m wide shared footway/cycleway and emergency access with removable bollards from the site onto Woods View. An extension to the footway is proposed on Wychwood Place. This would be on the west side of the road and would terminate by 21 Wychwood Place. The applicants also proposed improvements to two bus stops on Turners Hill Road.
- 12.43 The LHA is content with the proposed off site works and has recommended conditions to secure the works. With such conditions in place, your Planning Officer considers the proposed off site works to be acceptable.
- 12.44 Impact on highway network
- 12.45 The applicants TA notes that the residential aspect of the proposed development would have the potential to generate in the order of 120 two-way vehicular movements during the weekday AM (08:00 – 09:00) and PM (17:00 – 18:00) peak hour periods, respectively. The anticipated vehicular trip generation equates to circa two vehicles per minute during the AM and PM peak hour periods. The TA advises that the care home aspect of the proposed development would have the potential to generate circa 10 movements during any one hour, or one movement every six minutes.
- 12.46 The TA has assessed the impact of the development in 2031 upon the following junctions in the surrounding highway network, together with other committed development:
1. M23 Junction 10 interchange.
 2. Copthorne Way three-arm roundabout.
 3. Brookhill Road / Copthorne Way / Copthorne Common Road five-arm roundabout.

4. Dukes Head roundabout.
5. B2028 Turners Hill Road / Sandy Lane junction.
6. Hophurst Lane / Sandy Lane / Vicarage Road junction.
7. Proposed Hurst Farm / B2028 Turners Hill Road junction.
8. B2028 Turners Hill Road / Vicarage Road junction.
9. B2018 / B2110 North Street / East Street / Selsfield Road / Church Road crossroads.

12.47 The TA notes that the following junctions are forecast to operate near or at capacity in 2032 with committed development:

- Brookhill Road / Copthorne Way / Copthorne Common Road Roundabout – delays on Copthorne Road are forecast to increase by nearly 23 seconds as a result of development.
- Dukes Head roundabout – delays on the A264 Snow Hill are forecast to increase by around 84 seconds as a result of development.
- The Church Road approach to the B2110 / B2028 crossroad at Turners Hill will operate at capacity on Church Road during the morning peak. However, increases in delay will not be material.

12.48 The TA concludes on this matter by stating *'The results are similar to those previously presented to and agreed with WSCC, which is unsurprising as the latest modelling only accommodates an additional 30 homes. They were agreed as not constituting a 'severe' impact. This remains the case.'*

12.49 In assessing the impact of the proposed development on the highway network, it must be acknowledged that the LPA has approved a total of 350 dwellings plus a 70 bed care home under applications DM/25/0014 and DM/25/0016. Therefore, the additional quantum of development proposed by this scheme compared to the consented schemes amounts to an additional 80 dwellings. The LHA state *'...the additional movements are relatively modest with the more detailed junction capacity assessments demonstrating that these movements can be accommodated without generating any severe highway impacts. As a further comment, whilst the junction capacity outputs indicate several junctions to be operating at or over capacity in a future year scenario, it's apparent that these issues are existing and are not caused solely by the additional development traffic.'*

12.50 The LHA have not objected to the application based on the impact of the development on either the operation of the proposed junction with Turners Hill Road or the capacity of the wider highway network. Your Planning Officer has no reason to disagree with this conclusion.

12.51 National Highways is responsible for the Strategic Road Network (SRN). They have considered the impact of the development on junction 10 of the M23 and have raised no objection to the proposal, subject to conditions. It is therefore considered that the development would have no adverse impact on the operation of the SRN.

12.52 Sustainable Transport

- 12.53 In line with guidance in the NPPF, the applicants have provided a Transport Vision for the site in their TA. The TA refers to providing genuine opportunities for future residents to access local facilities and services via sustainable modes, encouraging travel by active modes through the provision of offsite improvements and good on-site layout design and minimising the need to travel through on-site infrastructure.
- 12.54 The NPPF defines a Travel Plan as '*A long-term management strategy for an organisation or site that details how agreed sustainable transport objectives are to be delivered, and which is monitored and regularly reviewed car and cycle parking.*' The applicants have provided a Travel Plan, which has been assessed by the LHA. The Framework Travel Plan will aim to achieve at least a 10% reduction in trips by single occupancy vehicles in line with WSCC guidance. The Travel Plan includes the following:
- Offer of a £150 sustainable travel voucher to each dwelling for cycle or electric cycle equipment purchase
 - Enhanced bus service (no. 272) for 2.5 years, with the permitted development to the south funding a further 2.5 years
 - Installation of car club parking space and vehicle. Car club vehicle with three year's free membership to the first occupier of each dwelling.
- 12.55 The Travel Plan would be secured in the legal agreement. It is considered that the above measures are reasonable mitigation in relation to promoting sustainable transport options to access the site.
- 12.56 Car and Cycle Parking
- 12.57 As this is an outline application, a future reserved matters application would deal with car and cycle parking. The applicants indicate that this would be provided to meet the current standards or any subsequent standards that may be adopted at that time. There are no reasons why a satisfactory level of cycle and car parking could not be provided at the reserved matters stage.
- 12.58 New houses are required to provide EV charging points under Building Regulations. The applicants have stated that EV charging infrastructure will be provided in accordance with the adopted EV charging standards at the time of the reserved matters application, which is currently a minimum of one charging point for each new dwelling.
- 12.59 These matters were found to be acceptable on the previously approved application DM/25/0016 and there are no reasons to come to a different decision on this now.
- 12.60 Other Transport Matters
- 12.61 On the previous application, DM/25/0016, concerns were raised about the structural integrity of the Turners Hill Road bridge over the Worth Way and the impact of additional traffic from this development on the bridge structure. Whilst these concerns were noted, no evidence has been provided to the LPA to substantiate these concerns. The LHA are responsible for the bridge as this is part of the public highway, and they raised no concerns on this issue. There are no reasons to come to a different decision on this now.
- 12.62 Construction stage
- 12.63 It is normal practice on major developments such as this, for a Construction Management Plan (CMP) to be submitted to the LPA for its approval, in consultation

with the LHA. The purpose of a CMP is to provide some mitigation to the effects, and set out a clear framework, for both the developers and residents, of how the construction process will be managed.

- 12.64 It needs to be accepted that the construction process will result in disruption and inconvenience for existing residents. This cannot be avoided completely and is not a reason to refuse planning permission. With a CMP in place, it is considered that the impact on the highway network and residents that use the network can be satisfactorily managed.
- 12.65 It should also be noted that with this application, construction access would be from the access at Hurst Farm and no construction access would take place from Wychwood Place. It is considered that this is a betterment compared to the extant scheme approved under reference DM/26/0016.
- 12.66 Transport Conclusions
- 12.67 To conclude, in assessing the transport issues associated with this development, the fact that the LPA has approved a total of 350 dwellings and a 70 bed care home under references DM/25/0014 and DM/25/0016 is an important material consideration to take into account. The LPA has found that the impact of the previously approved schemes in relation to transport matters, was acceptable.
- 12.68 It is acknowledged that at peak times there is congestion and queuing at the Dukes Head roundabout, Brookhill Road / Copthorne Road Roundabout and the Turners Hill Crossroad. As Members will be aware, there is no requirement for developers to seek to resolve existing capacity issues on the highway network. It is only lawful for developers to seek to address the impact of their proposed development. With the mitigation proposed in the application, the LHA do not consider that the impact of the proposed development on the wider highway network would be severe.
- 12.69 The LHA have not objected to this planning application but have recommended approval subject to conditions and a legal agreement to secure the Travel Plan, car club and highways works. The level of vehicular traffic from the development would not have a severe impact on the road network and the access onto Turners Hill Road would not operate over capacity. The scheme would provide a continuous pedestrian footway from the site onto the Turners Hill Road and there would be connections to the wider public right of way network.
- 12.70 Your Planning Officer agrees with the comments of the LHA on these points. The test in the NPPF of only refusing applications on highway 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'* is a high bar. As the LHA do not consider the application conflicts with this guidance, it is your Planning Officer's view that it would not be sustainable for the LPA to seek to resist the application on highways grounds.
- 12.71 The LHA have no objection to the proposed development and as the statutory body responsible for the road network within the district, it is considered that the views should be afforded significant weight. National Highways, the body responsible for the SRN also have no objection to the application. With planning conditions to secure the details of the access points and highways works, and a legal agreement to secure the Travel Plan and car club, it is considered that there are no sustainable grounds to resist the application on highways grounds.

12.72 Landscape Impacts

12.73 Policy DPA9 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 11.17 of this report, refers to the following matters in relation to landscape matters:

'4. Provide a woodland buffer to existing vegetation along the southern boundary and set development back from the Worth Way to mitigate potential visual impact to the route and help enhance its setting.

5. Provide a 5m landscape buffer to existing hedgerows.

10. Avoid development in the most sensitive areas, including the central ridge. 11. Provide a country park in southern part of site and along western boundary linking the north and south parts of the site. It meets the requirements of other relevant development plan policies.'

12.74 Policy DPA10 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 11.17 of this report, refers to the following matters in relation to landscape matters:

'1. Mitigation measures will be required to protect the setting and form of parts of the site that fall within and adjacent to sensitive landscape areas.'

12.75 Policy DP12 in the MSDP states:

'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.*

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded'

12.76 The application has been supported by a Landscape and Visual Appraisal (LVA).

- 12.77 The Council's Landscape Consultant advises that in relation to the site context *'The application sit is located to the west of Crawley Down village and comprises several undulating pasture fields which are surrounded by established vegetation and woodland. Farmsteads and isolated properties are located in the surrounding countryside and appear close to the site boundaries. Public Rights of Way (PRoW) run along three of the four site boundaries.'*
- 12.78 The Council's Landscape Consultant notes that field 8 to the north of the site has now been included, thereby expanding the site from the proposal they assessed under the previous application DM/25/0016. They state *'Overall, we acknowledge that the whole development site has very few visual receptors, all of which are located on the immediate site boundaries. Visual effects are agreed to be localised and limited, however the value of these views should not be undervalued given their particular sensitive locations.'*
- 12.79 In conclusion the Council's Landscape Consultant states *'The utilisation of the northern Field 8 for the care home and new access provides opportunities for better legibility and street hierarchy, and reduces pressure on the Wychwood Place access. The sense of enclosure and containment of the northern parcel reduces the landscape character and visual effects associated with the development.'* They suggest that the Land Use Parameter Plan and the Green Infrastructure Plan are amended to provide for a wider setback in the southwest corner, to allow for a continuous pathway along the POS and a softer edge to the countryside.
- 12.80 It is clear that with any green field development there will be a significant change at the local level from that of an undeveloped landscape to a housing development. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the district, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.
- 12.81 As set out above, the applicant's supporting information has been assessed by the Council's Landscape Consultant, and their comments are summarised at the start of the report. Your Planning Officer agrees with the comments of the Council's Landscape Consultant. It is considered that there will be some adverse impact on the character of the countryside as a result of the change from an undeveloped site to a residential development and therefore there is a conflict with policy DP12 of the MSDP.
- 12.82 However, for the reasons set out in paragraph 12.21 of this report, the weight that can be afforded to policy DP12 is moderate. It is your Planning Officer's view that the details that have been submitted by the applicants have demonstrated that the impact of the proposed development on the character of the countryside has been mitigated to a reasonable extent. Further details of proposed landscaping would come forward at the reserved matters stage, together with the details of the layout and design of the proposed dwellings. It is your Planning Officer's view that given the reduced weight that can be afforded to policy DP12, it would not be appropriate to seek to resist the application because of the conflict with policy DP12. It is also relevant that a significant change to the character of this area has been accepted by the planning permissions granted under references DM/25/0014 and DM/25/0016.
- 12.83 Agricultural land

- 12.84 As set out above, part of policy DP12 relates to the protection of grade 3a and above agricultural land from non-agricultural development. Paragraph 187b of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'*
- 12.85 An Agricultural Land Classification and Soil Resources report has been undertaken of the site. When set against the site area, it is noted that 1.02ha of built development comprises Grade 1 land, 1.65ha of built development comprises Grade 2 land, and 3.84ha of built development as identified on the plan below comprises Grade 3a land, thus overall 6.51ha of built development encompasses best and most versatile agricultural land (grades 1, 2 and 3a), which equates to some 43% of the overall site area.
- 12.86 Therefore, there is some conflict with this part of policy DP12. However, it is noted that only moderate weight can be afforded to policy DP12 at present. The proposal would be required to provide a 10% gain in biodiversity, and this would accord with the aim of para 187b of the NPPF in respect of recognising the benefits from natural capital and ecosystem.
- 12.87 Given the tilted balance that must be applied because of the inability to demonstrate a 5 year housing land supply and the significant weight that should be applied to the goal of boosting housing delivery, it is not considered that the loss of best and most versatile agricultural land is so significant in this instance that it would justify resisting this planning application. It should also be noted that the principle of development on most of the site of this application has been established by the previous planning permission that was granted for up to 150 dwellings and a 70 bed care home (DM/25/0016).
- 12.88 **Coalescence**
- 12.89 Policy DP13 in the MSDP seeks to retain the separate identity of settlements and to prevent coalescence between towns and villages. Whilst not a housing supply in itself, policy DP13 does impact on the delivery of housing. As such, in light of the Council not being able to demonstrate a five year housing land supply, it is considered that this policy attracts moderate weight at present.
- 12.90 Policy CDNP08 in the CDNP has similar aims, stating:

'Development outside the village boundary will only be permitted if it can be demonstrated that:

- a. It does not detract significantly from the openness and character of the landscape.*
- b. It does not contribute to 'ribbon development' along the roads or paths linking the village to neighbouring settlements of Copthorne, Felbridge, Turners Hill and Crawley.*
- c. It does not significantly reduce the gaps between the village and neighbouring settlements of Copthorne, Felbridge, Turners Hill and Crawley.'*

- 12.91 Again, this is not a housing policy in itself, but it does impact on the delivery of housing. For the same reasons as set out above, it is considered policy CDNP08 attracts moderate weight at present.
- 12.92 The proposed development would be located in between the current gap between Crawley Down and Copthorne and Crawley to the west. The site is well enclosed and there would still be a clear impression of leaving one settlement and then arriving in the next. There would be a gap of some 1.6km as the crow flies between the edge of the site and the built-up area of Copthorne and some 3.2km between the site and the edge of Crawley. It is your Planning Officer's view that the development would not result in coalescence between these settlements. It is also relevant that the above gaps would not be changed as a result of this application compared to the planning permission that was granted under reference DM/25/0016.

12.93 **Heritage Assets**

- 12.94 The Local Planning Authority (LPA) is under a duty by virtue of S.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions): *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.*

- 12.95 Policy DP34 of the District Plan states:

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

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

Other Heritage Assets

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

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

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

12.96 Paragraphs 207, 208, 210, 212, 213, 214, 215 and 216 of the NPPF are also relevant and state:

'207. 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.

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

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

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional (Footnote 75)*

Footnote 75 Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

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

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

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

216. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

12.97 There are no designated or non-designated heritage assets within the site itself, but there are a number within the vicinity.

12.98 Designated Heritage Assets (DHA)

12.99 Westlands, Turners Hill Road is a Grade II listed former farmhouse of two parallel ranges dating from the 16th century and the early 19th century. The associated farmstead appears to have been largely located to the north of the farmhouse, and is now lost, but there is one remaining outbuilding to the rear of the house which may be regarded as curtilage listed. Westlands Farm is recorded in the West Sussex Historic Farmstead and Landscape Character assessment as a historic farmstead of the 19th century.

12.100 The Council's Conservation Officer states '*...the surviving rural setting of the farmhouse will make a strong positive contribution to its special interest and the manner in which this is appreciated. The farmhouse fronts on to Turners Hill Road, with residential development opposite. There is further development to the north and south. However, to the west a rural landscape of fields and woodland survives. The northern part of the application site (Hurst Farm, Field 8)) lies adjacent to this asset to the south and south west.*'

12.101 With regards to Hurst Farm House, the Conservation Officer states, '*Although the farmstead is of no particular heritage interest in its own right, it has a rural/agricultural character which is enhanced by the generous amount of open green space around the buildings, and which contributes positively, in my opinion, to the setting and special interest of Westlands.*' She goes on to state '*Fields 1 and 2 also form part of*

the wider rural setting of Westlands. These fields contribute positively to the rural character of the wider approach to Westlands from the southwest along the PROW, including potentially the currently rural views looking south across Hurst Farm to the site from the part of the PROW just to the west of the listed building. The site in its current condition is therefore considered to make a positive contribution to the special interest of this listed building and how it is appreciated.'

12.102 In relation to the impact of the proposal on the setting of Westlands, the Conservation Officer considers that this will have a marked effect on the currently rural/agricultural character of that significant part of the setting of the listed building and states '*I would consequently place the level of harm caused to the special interest of the listed building at around the mid-range of the less than substantial scale, such that the balancing exercise set out in paragraph 215 of the NPPF will apply.*'

12.103 Your Planning Officer agrees with the assessment of the Conservation Officer in respect of the impact of the proposal on the setting of this heritage asset. It is considered that the proposal would result in less than substantial harm to the setting of this heritage asset. In accordance with case law, it is necessary to give this 'less than substantial harm' significant weight in the planning balance to properly reflect the fact as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, that special regard should be given to the desirability of preserving listed buildings and their settings.

12.104 Where a finding of less than substantial harm is found, paragraph 215 of the NPPF requires that this harm should be weighed against the public benefits of the proposal. The public benefits of the proposal are as follows:

- provision of new housing (including a policy compliant level of affordable housing)
- the provision of a substantial area of public open space
- economic benefits arising from both the construction period (construction jobs) and additional spending in the locality post construction from new residents.

12.105 It is your Planning Officers view that these are important benefits and should attract significant weight in the planning balance. Taken together, your Planning Officer considers the public benefits outlined above do outweigh the less than substantial harm to the setting of the heritage assets outlined above, notwithstanding the fact that this harm should be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act. Therefore, whilst there is a conflict with policy DP34 of the MSDP because there will be harm (classified as 'less than substantial under the NPPF') and this weighs against the scheme, the NPPF is an important material planning consideration and in the balance between the less than substantial harm and the public benefits of the proposal, it is considered the public benefits do outweigh this harm.

12.106 Heatherwood South and Heatherwood West, Sandy Lane are two properties formed from what was originally one substantial 19th century dwelling, which is now Grade II listed. They are located to the north of Sandy Lane, to the east of Turners Hill Road, and separated from the site by Pestcotts Wood, and modern residential development at Wychwood to the west of Turners Hill Road. In the Conservation Officer's opinion, '*given the intervening roads, woodland and buildings the current proposal will not materially affect the setting of this listed building.*' Your Planning Officer has no reason to disagree with this conclusion.

12.107 Lemon Meadow and Yew Tree Cottage, Turners Hill Road are two halves of Grade II listed 16th century timber framed building. On the previous application DM/25/0016 the Conservation Officer stated *'I would consider the building to possess architectural interest based on its construction and craftsmanship, historical illustrative value as a good example of a rural Sussex building, possibly a former farmhouse, and aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. As such, the surviving rural setting of the listed building will be considered to make a strong positive contribution to its special interest and how this is appreciated, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values.'*

12.108 In respect of the impact on this heritage asset, on the previous application DM/25/0016 the Conservation Officer stated *'As above, a significant portion of the surviving rural setting of this listed building is made up by the fields within the southern application site. Although direct intervisibility between the two will be limited, there will be a very significant negative impact on the context within which the building is appreciated in views from Worth Way. Given the placement of the main access road to this development running alongside the opposite side of the Worth Way embankment, in close physical proximity to the listed building, and the scale of the adjacent proposed housing development, there is also likely to be a noticeable increase in noise and light pollution in the area, which will exacerbate the negative impact on the contribution which this part of the setting makes to the asset's significance.'*

This will be contrary to the requirements of District Plan Policy DP34 and in terms of the NPPF will result in a low-mid level of less than substantial harm to the listed building, such that the balancing exercise set out in paragraph 215 will apply.'

12.109 Your Planning Officer agrees with the assessment of the Conservation Officer in respect of the impact of the proposal on the setting of this heritage asset, which remain relevant for this application. For the same reasons that are set out in paragraphs xxx of this report, it is considered that the public benefits of the scheme outweigh this less than substantial harm.

12.110 Non Designated Heritage Assets (NDHA)

12.111 Huntsland House, Huntsland Barn, Primrose Lodge and the Coach House Turners Hill Road are buildings that lie to the south of a trackway leading west off Turners Hill Road. They are situated between the northern and southern proposed development sites. Huntsland House is a substantial house, now run as a boutique hotel and wedding venue. The Conservation Officer advises that there are a number of former ancillary buildings around the house, now in separate ownership, which are also of character, and contribute to the group value and the narrative of the assemblage as the core of a modest 19th century country estate and states *'In my opinion, the group of buildings at Huntsland merit consideration as non-designated heritage assets of a mid level of interest in the local context, for the following reasons:*

- *the quality and character of the buildings;*
- *their group narrative value as a surviving 19th century country house and ancillary buildings, representing the most recent phase of development of a former farmstead, later country estate which appears to have evolved over many centuries, and which retain some fabric and features demonstrating earlier phases of the site's history; and*

- *the historical associative value of the house due to its association with a number of interesting local figures.'*

12.112 In respect of the impact on this NDHA, the Conservation Officer states '*Whilst there is unlikely to be direct intervisibility between the northern development and the NDHAs, this will affect the context within which they are appreciated in terms of the approach to them along this PROW from the west. This will result in a low degree of harm to assets of a mid-level of interest within the local context, however it should be noted that this harm will be cumulative with that caused by the associated approved development on the southern site.'*

12.113 You Planning Officer agrees with this assessment. It is considered that in the balanced judgement required by paragraph 216 of the NPPF, the benefits of the scheme, as outlined in paragraph 12.104, outweigh the harm to the NDHA and subsequent conflict with policy DP34 in the MSDP.

12.114 Arne Lodge, Turners Hill Road was originally the southern lodge to Huntsland House, and sat beside a southern approach to the estate from Turners Hill Road which has now been lost. On the previous application DM/25/0016, the Conservation Officer advised that this building also merits consideration as an NDHA, having group value with the buildings at Huntsland, and as a constituent part of this modest country estate, but went on to state '*However, although the lodge is part of a historical grouping with Huntsland House, it is separated from the southern proposed development site by woodland and more modern development. I do not therefore consider that its setting will be materially affected by the current application.'* Your Planning Officer has no reason to disagree with this assessment, which remains relevant for this application.

12.115 Archaeological matters

12.116 Policy DPA9 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 11.17 of this report, refers to the following matters in relation to archaeological matters:

'1. Assess the areas of archaeological interest – Crest of Sandstone Ridge and the stream running through the High Weald that has a potential pre-historic bank.'

12.117 As established by both the desk-based assessment submitted with the application and the West Sussex Historic Environment Record (HER), the proposed development lies in an area with the potential to contain significant archaeological remains. The Councils Historic Environment Consultant has assessed the desk based report submitted by the applicants and states '*Although the exact extent of archaeological remains within the site is currently unclear, what is clear is that any archaeological remains that are present on the site are likely to be negatively impacted by the groundworks for the proposed development. Accordingly, I recommend that further information about the extent and scale of archaeological remains within the site needs to be established prior to the commencement of development. Once this has been established, it would allow for a program of archaeological mitigation to be undertaken to excavate, or preserve, any identified archaeological remains as appropriate.'*

12.118 The Councils Historic Environment Consultant goes on to recommend a condition regarding a phased programme of archaeological investigation.

12.119 Your Planning Officer agrees with this approach. It is considered that with a suitable condition in place, potential archaeological remains will be properly dealt with in accordance with policy DP34 in the MSDP. This was the approach that was adopted on the previously approved application DM/25/0016 and there are no reasons for a different approach now.

12.120 **Design/layout/housing mix, sustainability**

12.121 Design/layout

12.122 Policy DP26 of MSDP deals with 'Character and Design' 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:

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- protects open spaces, trees and gardens that contribute to the character of the area;*
- protects valued townscapes and the separate identity and character of towns and villages;*
- does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- positively addresses sustainability considerations in the layout and the building design;*
- take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- optimises the potential of the site to accommodate development.'*

12.123 Paragraph 131 of the NPPF states in part that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and

development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

12.124 Policy CDNP05 in the CDNP has been set out in full earlier in this report, together with the weight that can be afforded to it. There are a number of criteria to this policy that relate to design matters.

12.125 In this case, it is only the principle of the development and the means of access that are to be determined at the outline stage. The plans that have been submitted are illustrative to seek to demonstrate that this quantum of development could be accommodated on the site. If this outline application is approved, a subsequent reserved matters application will need to be submitted to determine the remaining details of the appearance, landscaping, layout and scale of the dwellings and care home. It is at this point that the merits of the layout that will be in the reserved matters application will be determined.

12.126 The application is accompanied by an Access and Movement Parameter Plan and an Illustrative Masterplan. In relation to the access arrangement, the Councils Urban Designer states, *'The updated drawings show huge improvement regarding access and create a more direct and attractive link to Turners Hill Road.'* Your Planning Officer agrees with this assessment.

12.127 In relation to the layout, the Councils Urban Designer states:

'The layout can be commended for the following:

- *It sensibly locates open space pockets along the line of the existing public footpaths and in the process opens up views of some of the large boundary trees.*
- *It adopts a perimeter block layout that potentially could include houses that will address the streets and spaces and provide secure rear gardens.*
- *It positions buildings, entrances, and roof forms so that key street corners are clearly defined, enhancing overall legibility and wayfinding.*
- *It strengthens links with the existing settlements to the east.*

However, I would like to highlight one issue that will need to be addressed at a later stage of the design. The proposed care home could be positioned and its form shaped to address the site entrance in a more inviting and meaningful way, rather than presenting a flank elevation facing the approach.

Overall, I support the submitted Perimeter Plans and the accompanying Illustrative Masterplan.'

12.128 It is considered that the overall principles that are shown in the submitted plans are sound. Perimeter block layouts are a well-established way of organising residential development that allows dwellings to face onto the streets and provide traditional back-to-back gardens. This way of organising the layout also allows dwellings to face outwards towards the attractive boundary planting around the site.

12.129 It is considered that the principle of locating the play areas, community space, open space and potential allotments in the centre of the site is sound. With regards to the community allotments shown on the illustrative plans, on the previously approved application DM/26/0016, the Parish Council did not indicate a desire for this, as occupancy rates on existing allotments is low. The provision of allotments on this site is something that can be looked at again when the reserved matters application is made for the layout of the site.

12.130 It is also important to note that the description of this outline planning application seeks consent for up to 230 dwellings and a 70 bed care home. Therefore, it is open to the applicants at a future reserved matters application to bring forward an application with fewer dwellings if they consider that this is the most appropriate design approach. The issue for the LPA to determine at this stage is whether in principle, the applicants have demonstrated that this quantum of development could be delivered on the site. It is your Planning Officer's view that the applicants have demonstrated that this quantum of development could be delivered on the site.

12.131 It is therefore considered that in terms of design and layout, the parameter plans, and the accompanying illustrative layouts show that the application complies with policy DP26 in the MSDP and criteria a, c, d, e, f, g, h, l and m, in policy CDNP05 that relate to these matters.

12.132 Quantum and Layout of Development

12.133 Part of the site of this application has the benefit of an outline planning permission for up to 150 dwellings and a 70 bed care home, approved under DM/25/0016. The site to the south has the benefit of an outline planning permission for up to 200 dwellings, approved under DM/25/0014. Therefore, at present there is a total of up to 350 dwellings approved and a 70 bed care home, which aligns with the draft allocation under policy DPA9 in the Submission Draft District Plan. The site at Hurst Farm is proposed to be allocated for 37 dwellings under policy DPA10 in the Submission Draft District Plan.

12.134 If the current application were approved, the result would be an outline planning permission for up to 230 dwellings and a 70 bed care home. Taken together with the consent to the south granted under DM/25/0014, there would then be a total of 430 dwellings and a 70 bed care home, which would amount to an increase of 43 dwellings compared with the figures referred to in policies DPA9 and DPA10 in the Submission Draft District Plan.

12.135 In assessing this issue, the following points need to be recognised, Firstly, policies DPA9 and DPA10 in the Submission Draft District Plan have limited weight. Secondly, policy DP26 in the MSDP has a criterion that applicants are required to demonstrate that development '*optimises the potential of the site to accommodate development*'. This reflects the advice in paragraph 129 of the NPPF that '*Planning policies and decisions should support development that makes efficient use of land*'.

12.136 It is your Planning Officers view that the applicants have demonstrated that the quantum of development that they are proposing can be satisfactorily accommodated on the site. Whilst the number of units would increase from that referred to in policies DPA9 and DPA10, as these policies can be afforded little weight at present, this would not be a reason to resist the application. It is your Planning Officers view that it is a positive in the planning balance that more development is proposed to be accommodated on a site that is proposed to be allocated for development, and for which the principle of development has been established by virtue of a previous outline planning permission.

12.137 It should also be noted that the illustrative layout plan shows the proposed care home in field 8, which is on the land that is proposed to be allocated for 37 dwellings under policy DPA10 in the Submission Draft District Plan. Whilst this is clearly different to what the land is proposed to be allocated for, it is not considered that this would be a reason to resist the application. This is because firstly, for the reasons set out in paragraph 11.17 of this report, policy DPA10 has limited weight at this point in time.

Secondly, this planning application is proposing a significant number of residential dwellings and therefore the intention of policy DPA10 to bring forward new dwellings to meet the district's housing needs would still be complied with.

12.138 Standard of Accommodation

12.139 Policy DP27 of the MSDP deals with dwelling spaces standards, and states:

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- *Open market dwellings and affordable housing;*
- *The full range of dwelling types; and*
- *Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

12.140 This is an outline application with only the principle of the development and the means of access to be determined at this stage. It will be at the subsequent reserved matters stage that the applicants would need to demonstrate compliance with the dwelling space standards. There are no reasons to think that this could not be done.

12.141 Accessibility

12.142 Policy DP28 of the MSDP states:

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:

- 1) Where new dwellings are created by a change of use;*
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair use dwellings

Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

12.143 As this is an outline application, the internal layout of the scheme and the design of the buildings within it are not being determined at this stage. It will be at the subsequent reserved matters stage that the applicants will need to demonstrate compliance with this policy. There are no reasons why this policy could not be met at the reserved matters stage, and a planning condition is proposed to require this to come forward in the reserved matters application.

12.144 Sustainable Design

12.145 Policy DP39 of the MSDP is titled 'Sustainable Design and Construction, and states:

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

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

12.146 Paragraph 164 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* Paragraphs 166 expects new development to *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

12.147 It is important to recognise that in respect of policy DP39, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their

design approach, including the use of renewable technologies, but it does not require their use.

12.148 The applicant's supporting information states that the development will seek to achieve a water consumption level of no more than 85 litres per person per day, the anticipated employment electric-only heating systems, dwelling facades will be designed to mitigate solar heat gain and provide for natural ventilation, the development will utilise a fabric first approach to reduce energy demand. The applicants advise in their Sustainability and Energy Statement that it is recommended that air source heat pump (ASHP) systems and rooftop photovoltaic (PV) panels be employed to serve the space and water heating demands of the proposed dwellings.

12.149 As this is an outline planning application, the final details of exactly what sustainable features will be incorporated into the development would need to be identified in the subsequent reserved matters application/s. It is considered that the applicants have sufficiently addressed this issue at the outline stage in accordance with policy DP39 of the MSDP.

12.150 Affordable housing and housing mix

12.151 Housing Mix

12.152 Policy DP30 of the MSDP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs. Policy CDNP05 states that larger developments (6 dwellings or more) should provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:

Market Housing At least 75% 2-3 bedroom houses and up to 25% other sizes

Affordable Housing At least 80% 2-3 bedroom houses and Up to 20% other sizes

The illustrative mix of housing is set out below:

	1 bed/2 person	2 bed/4 person	3 bed/5 person	4 bed(+)/6 person
Market housing	0-10%	20-25%	40-45%	30-35%
Affordable ownership	10-15%	50-55%	25-30%	5-10%
Affordable rent	30-35%	40-45%	15-20%	5-10%

12.153 This mix reflects policy DPH7 in the Submission Draft District Plan. This policy indicates the direction of travel for the District Council in respect of housing mix, but at the present time, the policy itself can be afforded very little weight because of the stage at the Submission Draft District Plan has reached in its examination. Nonetheless, the evidence base that sits behind the Submission Draft District Plan can be afforded weight. Policy DP30 in the MSDP requires developments to provide

a mix of dwelling types and sizes that reflect current and future housing needs. As the applicant's mix is based on the evidence base the underpins the proposed policy DPH7, it is considered that this indicative mix would comply with the aims of policy DP30. It is considered that greater weight should be afforded to policy DP30 in the MSDP than the criteria relating to housing mix in the CDNP because policy DP30 is more recent than policy CDNP05 and in respect of the mix itself, what is being proposed aligns with the evidence base for emerging policy DPH7.

12.154 It is considered that the proposal has demonstrated that a satisfactory housing mix can be provided in accordance with policy DP30 in the MSDP and part m of policy CDNP05 in the CDNP.

12.155 Affordable Housing

12.156 Policy DP31 in the District Plan seeks to secure 30% affordable housing on sites such as this.

12.157 The proposal would provide 30% affordable dwellings and 2% self-build.

12.158 The scheme provides a policy compliant level of affordable housing, and this should be afforded significant positive weight in the determination of this application. The comments of the Council's Housing Enabling Team Manager are set out in full in the planning file, and he raises no objection to the application. The location of the affordable housing would be determined at the subsequent reserved matters application. It is at this stage that the LPA would seek to ensure that the affordable housing was suitably distributed (pepper potted) within the site to accord with the Council's policies. This would comply with policy DP31 in the MSDP and criteria n of policy CDNP05 in the CDNP.

12.159 Residential amenity

12.160 Policy DP26 seeks to ensure that new development 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. Policy CDNP05 in the CDNP refers to planning permission being granted for residential development subject to various criteria, one of which states '*Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*' There is some conflict between the wording of these two policies. In accordance with planning law, the conflict must be resolved in favour of the more recently adopted policy. As such policy DP26 should be afforded greater weight and the test is whether the proposal would result in significant harm.

12.161 If this outline application is approved, it would be at the subsequent reserved matters application that the detail of the layout of the site and the design of the proposed buildings would be submitted and assessed. It is therefore at the reserved matters stage that a detailed assessment about the impact of the proposed development on the amenities of existing occupiers surrounding the site would need to be made because it is at this stage that the detail of these relationships would be known.

12.162 Nonetheless it is relevant to assess the outline application in relation to its impact on the amenities of existing residential occupiers based on the illustrative information that has been submitted.

12.163 The illustrative plans show that the dwellings in field 2 would be separated from the existing dwellings on Woods View by the existing road, existing landscaping and then by the proposed road and landscaping within the site. The site would be visible from Woods View but there would be no significant harm in planning terms.

12.164 The illustrative layout shows that the proposed access road would be some 24m to the south of Westlands, with the Care Home being some 70m to the west. It is not considered that significant harm would be caused to the occupiers of from the development in relation to either the built form of the development or the activity associated with the use of the access road and the Care Home.

12.165 Conclusion on housing matters

12.166 To summarise, the submitted layout plan is illustrative to demonstrate that this quantum of development can be provided on site. It is considered that the application has demonstrated that this level of development can be provided and that it would be possible to deliver a high-quality development at the reserved matters stage.

12.167 The proposal would provide up to 230 dwellings, 30% of which would be affordable, 2% which would be self-build and a care home of up to 70 beds. The proposal complies with policies DP26, DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.

12.168 **Air quality**

12.169 Policy SA38 in the Site Allocations DPD states:

'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.'

Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.

Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how

any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.'

12.170 The application is supported by an Air Quality Assessment Report that considers the air quality impacts from the construction phase and once the proposed development is fully operational. In respect of construction impacts, the two sources of emissions would be exhaust emissions from site plant, equipment and vehicles and dust emissions from site activities. The applicant's report notes that the operation of site equipment and machinery will result in emissions to atmosphere of exhaust gases, but with suitable controls and site management such emissions are unlikely to be significant. In respect of vehicular movement from construction traffic, the applicants report advises that *'it has been assumed that 50 homes will be constructed per year, it is expected that 93 two-way HGV movements and 22 two-way light vehicle movements could be generated. This is below the screening criteria for undertaking a detailed assessment. Therefore, it is considered unlikely to cause a significant impact on local air quality, in accordance with the IAQM guidance.'*

12.171 Once occupied, the applicant's report notes that Air source heat pumps are proposed for heating and hot water which mean that buildings will have no impact on air quality. As such the main impact on air quality would be from vehicular movements to and from the site. The report advises that Nitrogen dioxide and Particulate matter concentrations would all meet the air quality standards at all receptor locations and therefore the effect of the development prior to mitigation is not considered to be significant.

12.172 Sussex-Air require all 'Major' developments to minimise their operational phase emissions through mitigation measures commensurate to the cost of the Proposed Development's air quality related 'damages'. In accordance with the Defra Air Quality Damage Cost Guidance (December 2025), a damage cost calculation has been undertaken using the 'air quality damage cost appraisal toolkit'. The calculated central damage cost value over a five-year period is £47,422, which can be used to fund onsite mitigation measures or to contribute to off-site mitigation measures.

12.173 The application has been reviewed by the Council's Environmental Health Officer (EHO) who states, *'The location is to the West of Crawley Down and appears to be low risk with regard to noise and existing air quality. Construction activities could adversely affect the amenity of existing residents or those of completed sections/phases. Noise from fixed plant at the care home (refrigeration, A/C, kitchen extract etc) can be controlled by condition. The conclusions of the lighting assessment are accepted.'*

12.174 Your Planning Officer agrees with the comments of the EHO and is content that the proposed development will not have an unacceptable impact on air quality, and with appropriate conditions, the application complies with policy SA38 of the SADPD.

12.175 **Contaminated Land**

12.176 Paragraph 196 of the NPPF states *'Planning policies and decisions should ensure that:*

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks*

arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);

- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*

12.177 The application is supported by a desk study contaminated land report, which has been reviewed by the Councils Contaminated Land Officer. The Contaminated Land Officer recommends a phased contaminated land condition should be attached to the application. With such a condition in place it is considered that the application would comply with the guidance in paragraph 196 of the NPPF.

12.178 **Trees and Ecology**

12.179 Trees

12.180 Policy DP37 in the District Plan states:

'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- prevents damage to root systems and takes account of expected future growth; and*
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- has appropriate protection measures throughout the development process; and*
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- the condition and health of the trees; and*

- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

12.181 Paragraph 136 of the NPPF states:

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined (52), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'

Footnote 52: Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.

12.182 The application is supported by an Arboricultural Implications Report (AIR). The AIR states that 210 individual trees, 15 groups of trees, 5 hedges or hedgerows and 4 areas of woodland are growing within or immediately adjacent to the site. The majority of the site is characterised by pastoral fields bounded by woodlands or narrow tree belts. The smaller, Hurst Farm, part of the site is characterised by poultry sheds and an existing dwelling, also bounded by woodland and trees. Native, broadleaf trees dominate both of these features, with English oak being particularly prevalent. An abundance of mature and semi-mature trees gives a 'wooded' character to the site despite the agricultural land use. There are no ancient or veteran trees on site.

12.183 The AIR notes that there are two category 'A' trees (nos. 84 and 4720) and 62 category 'B' specimens. The remaining 132 trees are assessed as category 'C' trees, being either of low quality, very limited merit, only low landscape benefits, no material cultural or conservation value, or only limited or short-term potential; or young trees with trunk diameters below 150mm; or a combination of these.

12.184 To accommodate the proposed development, as shown on the proposed illustrative layout plan, 36 individual trees are to be removed, either because they are situated within the footprints of proposed structures or surfaces, or because they are too close

to these to enable them to be retained. Of the trees to be removed 5 of which are category 'U' specimens and 30 are category 'C' specimens, with one category 'B' specimen to be felled. All those trees, groups or woodlands that make a significant contribution to the character and appearance of the local landscape, to amenity or to biodiversity will be retained.

12.185 The category B tree to be removed is an English Oak. This requires removal to provide the access road into the site. This tree is located some 90m west from Turners Hill Road and is screened by retained trees along the boundary, obscuring it in views from this road. Given the ancient woodland to the south at Pescotts Wood, it would not be possible to retain this tree and keep the access road out of the 15m ancient woodland buffer zone.

12.186 Whilst the loss of any trees is regrettable, policy DP37 in the MSDP does not include an absolute bar to tree removal. Given the fact that the majority of the trees in and around the site would be retained, the characteristics of the site in respect of being enclosed field parcels would remain, although the character within the site would clearly change from being an undeveloped field to a major housing development.

12.187 In relation to the trees that are classified as being with Ancient Woodland, the Tree Officer has stated *'I still have concerns about incursions into AW buffer, but I note the intention to avoid tree RPAs. A detailed method statement, materials specification etc will be required for all incursions within buffer zones. It may also be possible to mitigate to some extent by providing a wider buffer in other areas. The AIA advises that swales are indicative only and attempts will be made to try and avoid the close proximity to trunks which is currently indicated. This should be prioritised. Ancient Woodland, Ancient Trees and Veteran trees : Advice for making Planning Decisions, discusses the indirect effects of development adjacent AWs and buffers can be extended to mitigate this, and soft landscape features designed adjacent. Other drainage infrastructure should also avoid AWS and their buffers.'*

12.188 Therefore, there is no objection to the scheme from the Council's Tree Officer. It would be at the reserved matters stage, when a detailed layout is put forward, and it is therefore known whether there was any proposed incursion into root protection areas or Ancient Woodland buffer zones, that these issues would be assessed again. It is only necessary at the outline stage to establish that the principle of the development is acceptable with regards to policy DP37 in the MSDP. Given the above, your Planning Officer considers that the principle of the application is acceptable and complies with policy DP37. It is also the case that the proposal provides the opportunity for new tree planting at the reserved matters stage, comprising additional trees on the boundaries of the site as recommended by the Councils Landscape Consultant and trees within the site, including trees along the new roads.

12.189 **Biodiversity**

12.190 Policy DP38 in the 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.'

12.191 Policy DPA9 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 11.17 of this report, refers to the following matters in relation to ecological matters:

'3. Address any impacts associated with Ancient Woodland (on and adjacent to the site) including Front Wood, Wallage Wood, Wallage Lodge Shaw, Bushy Wood, Pescotts Wood (east and west parcels), which will be excluded from development.'

12.192 Policy DPA10 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 11.17 of this report, refers to the following matters in relation to ecological matters:

'2. Address any impacts associated with ancient woodland along the western and southeastern edges of the site.'

12.193 Paragraph 187 of the NPPF sets out the ways planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 193 of the NPPF states:

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

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (footnote 70), 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.'*

Footnote 70: For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

12.194 The Environmental Act 2021 has amended section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and places a general duty on a public authority to conserve and enhance biodiversity. A public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.

12.195 The application is supported by an Ecological Appraisal and a Statutory Biodiversity Metric.

12.196 Site baseline

12.197 To assess the impact of the proposed development on the ecology/biodiversity value of the site, it is first important to understand the baseline value. The following section sets out a summary of this in terms of habitats and species, respectively.

12.198 Habitats

12.199 The habitats and ecological features present within the survey area are described in the applicants Ecological Appraisal. The site comprises a mix of modified grassland, neutral grassland, lowland mixed deciduous woodland, ancient semi-natural woodland (ASNW), bramble scrub, mixed scrub, bracken, buildings and hardstanding, vegetated garden, trees and veteran trees and ponds. The survey area (and application boundary) itself is not subject to any statutory nature conservation designations. Of the habitats within the survey area, lowland mixed deciduous woodland, hedgerows (including lines of trees) and ponds are listed as Priority Habitats.

12.200 Species

12.201 *Bats*

12.202 Within the Hurst Farm site buildings B10, the eastern section of B14, B16, B18 and B19 were assessed as providing low bat roosting potential. The western section of building B14 and building B15 were assessed as providing moderate bat roosting potential, whilst building B20 was assessed as providing high bat roosting potential. Survey work noted possible roosting activity recorded associated with buildings B14 and B15 during the emergence surveys conducted. Both buildings may support occasional feeding perches, with species including Common Pipistrelle and Long-eared sp. (likely Brown Long-eared bat). Both are common and widespread species. A small number of Common Pipistrelle droppings were recorded associated with building B18, and this building may support a feeding perch.

12.203 The trees within the site do support bats with Common Pipistrelle being the most frequently recorded species at all locations. Static location SD1 (in the north-west of the survey area) recorded 7,751 bat registrations, with 90.3% of all registrations attributed to Common Pipistrelle. The next highest number of registrations was 7.7% for Soprano Pipistrelle, 1.4% to Myotis species, and the remainder to 'big bat' species, Plecotus species, unidentified Pipistrelle species, Nathusius' Pipistrelle and Barbastelle.

12.204 The applicants Ecological Appraisal notes that in terms of individual species, Common Pipistrelle and Soprano Pipistrelle are considered to form ecologically important features at the local level. Other species occurred only infrequently and are not considered to be of particular importance outside of a site context.

12.205 *Badger*

12.206 Surveys recorded evidence of Badger within the southern part of survey area A. However, no Badger setts or other confirmed evidence of this species was recorded within or adjacent to the application boundary itself.

12.207 *Dormouse*

12.208 During the survey visits, no evidence of Dormouse was recorded within the nest tubes, with an absence of individuals or any characteristic nests.

12.209 *Water Vole and Otter*

12.210 Water Vole and Otter are considered to be absent and do not form a constraint under the proposals.

12.211 *Other Mammals*

12.212 No evidence of any other protected, rare or notable mammal species was recorded within the survey area.

12.213 *Reptiles*

12.214 A peak count of a single adult Grass Snake was recorded, and Juveniles were recorded on indicating this species is relatively widespread within the southern and central parts of the survey area. Low populations of adult Grass Snake and Slow worm were recorded in survey area B.

12.215 *Great Crested Newt (GCN)*

Eight ponds were identified for survey within 250m of the survey area. Two of the ponds, P2 and P5, recorded a positive result from the eDNA testing, indicating presence of GCN. Ponds P2 and P5 supporting GCN lie offsite and will not be directly affected by the proposals. Pond P10, some 150m to the north of the site has not been surveyed as the applicant does not consider that is proportionate to do so, having regard to Natural England's guidance.

12.216 *Breeding Birds*

12.217 Based on the survey results, the survey area supports a reasonably diverse assemblage of breeding birds that is typical of the woodland habitats that are present. The vast majority of breeding activity is associated with the woodland.

12.218 *Invertebrates*

No evidence for the presence of any protected, rare or notable invertebrate species was recorded within the survey area.

12.219 Avoidance, Mitigation and Enhancement Measures

12.220 The application proposes new planting, bat boxes, bird boxes, management of the woodland within the application site, bee bricks and insect boxes.

12.221 The Councils Ecological Consultant supports the pollution control measures, precautionary measures for reptiles and nesting birds, general wildlife safeguards and control measures for Japanese Knotweed. As a result, it is also recommended that the finalised precautionary measures are secured via a Construction Environmental Management Plan (CEMP: Biodiversity). They also advise that the mitigation measures identified in the Ecological Appraisal (Aspect Ecology Ltd, February 2026) should be secured and implemented in full and support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application in line with the Ecological Appraisal (Aspect Ecology Ltd, February 2026) to avoid impacts from light disturbance.

12.222 With regards to bats, the Councils Ecological Consultant notes that buildings B14 and B15 are considered to support low status feeding perch and/or day roosts of Common Pipistrelle and Brown Long-eared bat supporting individual or small numbers of bats. In addition, building B18 is identified to likely be a feeding perch for Common Pipistrelle. Therefore, a European Protected Species Licence will be required for the destruction of the breeding / resting places within these buildings, which should be secured by the Council as a pre-commencement condition of any consent and require replacement roosting provision. Furthermore, they note that a precautionary approach has been proposed for bats for the removal of trees T33, T41 and within TG24, TG26 and W8. The Councils Ecological Consultant is satisfied that this can be secured as part of a Construction Environmental Management Plan (CEMP: Biodiversity).

12.223 With regards to ancient woodland, the Council's Ecological Consultant notes that the scheme has been designed with a minimum 15 metre buffer to the adjacent ancient woodland, with the exception of a small section of footpath. However, this footpath will be located outside of root protection areas of individual trees and will be constructed above existing soil level using a cellular confinement system to minimise soil compaction. As a result, the Council's Ecological Consultant consider this

approach acceptable to avoid potential impacts upon the irreplaceable habitat. Furthermore, they welcome the intention to design the new houses facing the woodland, to promote natural surveillance and minimise the risk of garden waste dumping and garden encroachment. These potential impacts will also be further reduced via the proposal to plant native thicket planting to the woodland to act as a further semi-natural buffer.

12.224 In summary, the Councils Ecological Consultant has assessed the application that has been submitted and has advised that they *'are satisfied that there is sufficient ecological information available to support determination of this application'*. Your Planning Officer has no reason to disagree with the Councils Ecological Consultant's views on these matters.

12.225 With regards to GCN, NatureSpace, the Council's consultants on GCN, initially advised that two ponds within the site (P8 and P9) should be surveyed as these were dry during the applicant's initial survey. This has subsequently been done, and the applicants report that the eDNA survey returned a negative result for both ponds P8 and P9, indicating absence of GCN.

12.226 With regards to P10, this is some 150m to the north of the site. The applicants have not surveyed this pond as access hasn't been achieved. The applicants have advised that in their view, given the separation distance between the site and P10 and the woodland habitat in-between P10 and the site providing a higher quality terrestrial habitat, they do not consider it necessary to survey this pond. The applicants also refer to Natural England licensing guidance, noting that land within the site at Hurst Farm has been managed as a chicken coop with associated grazing pressure and predation risk, forming unsuitable newt habitat as a result and conclude that *'Given a precautionary approach would be adopted during vegetation clearance (including cutting back of vegetation to a low sward height under ecological supervision), and a lack of tussocky grassland within the affected area (the Ecological Appraisal notes such areas are subject to occasional mowing), the risk to Great Crested Newt under the proposals, even if present at pond P10, is considered to be low, and a non-licensed approach is considered to be appropriate'*.

12.227 The Councils adviser on GCN (NatureSpace Partnership) have considered the applicants points in relation to P10 and recommended that this is surveyed. However, they note the applicant's position and have concluded by stating *'We have made our recommendation but ultimately, the decision on whether enough information has been provided here to justify the use of Reasonable Avoidance Measures lies with the LPA, and as such we defer to their decision. If the LPA decides they are satisfied with this approach, then the avoidance measures recommended for GCN (including ecological supervision and stopping works should GCN be discovered) should be secured via condition.'*

12.228 Your Planning Officer has carefully considered the points made by NatureSpace Partnership and the applicants Ecologist. In coming to a view on this matter, your Planning Officer considers that it is material that NatureSpace have not objected to the applicants approach regarding P10; what they have said is that it is a matter for the judgement of the LPA as to how this is dealt with. The second point to make is that the extant planning permission to the south (DM/25/0016) is some 260m away from P10, which is within the 500m referred to in Natural England's standing advice relating to surveys. On the extant permission, P10 was not surveyed and a planning condition was imposed to ensure that construction works took place in accordance with the general wildlife safeguards included within the applicants Ecological Appraisal. The final point to note is that GCN are a protected species under Wildlife

and Countryside Act, 1981 and under the Conservation of Habitats and Species Regulations 2017 and these protections are not disapplied by planning legislation.

12.229 It is your Planning Officers view that given the extant planning permission (which is some 110m south of this planning application) did not require P10 to be surveyed, and having taken account of the points made by the applicants regarding the need for a proportionate approach regarding risks, taking account of the existing use of the land in and around the site, it would be proportionate in this case to deal with the issue of GCN by condition, in the same manner as was done on the extant planning permission to the south (DM/25/0016).

12.230 Biodiversity Net Gain

12.231 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.

12.232 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)'.

12.233 The Environment Act 2021 makes provision for BNG to be delivered in the following ways;

- On-site
- Off-site (on registered sites)
- Biodiversity credits (purchased nationally)

The BNG can be delivered via a blend of the above measures, as appropriate.

12.234 The biodiversity net gain will be provided on site. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case intended to be above the mandatory 10%), should be given positive weight in the planning balance.

12.235 **Drainage**

12.236 Policy DP41 in the MSDP states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

12.237 Policy CDNP06 in the CDNP has similar aims in relation to drainage.

12.238 Policy DPA9 in the Submission Draft District Plan, which have minimal weight for the reasons set out in para 11.17 of this report, refers to the following matters in relation to drainage matters:

'2. Follow a sequential approach by directing development away from areas of flood risk and mitigate impacts through integration of SUDS to deliver biodiversity/environmental improvements and flood resilience.'

12.239 Paragraph 181 of the NPPF states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (63). Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Footnote 63: A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.'

12.240 Flood Risk

12.241 Flood zones are classified in the PPG as follows:

Zone 1 Low probability: Land having a less than 0.1% annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map for Planning – all land outside Zones 2, 3a and 3b)

Zone 2 Medium probability: Land having between a 1% and 0.1% annual probability of river flooding; or land having between a 0.5% and 0.1% annual probability of sea flooding. (Land shown in light blue on the Flood Map)

Zone 3a High probability: Land having a 1% or greater annual probability of river flooding; or Land having a 0.5% or greater annual probability of sea. (Land shown in dark blue on the Flood Map)

Zone 3b The Functional Floodplain This zone comprises land where water from rivers or the sea has to flow or be stored in times of flood. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. Functional floodplain will normally comprise:

- land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or*
- land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding)*

12.242 In terms of Fluvial/Tidal flood risk, the site is located in Flood Zone 1. The FRA also advises that there are some limited areas considered to have a high chance of surface water flooding are present in Field 8/Hurst Farm in the northeast of the site, the site overall is considered to be at a low risk.

12.243 Surface Water

12.244 Part H of the Building Regulations establishes a hierarchy for surface water disposal, which encourages a SuDS approach. The hierarchy is that surface runoff must be discharged to one or more of the following in the following order of priority:

1. To ground via an adequate soakaway or some other adequate infiltration system; or where that is not reasonably practicable,
2. To a watercourse; or where that is not reasonably practicable,
3. To a sewer.

12.245 As the majority of the site is greenfield in its current state, and as such, runoff from the site post-development will need to be controlled to the equivalent greenfield 1 in 1-year rate. The proposed surface water drainage strategy consists of a series of swales and surface water attenuation areas that have been located across the site. A connecting network of swales, surface water attenuation areas, and gravity driven surface water sewers where necessary, have been located adjacent to the northern, eastern, and western boundaries of fields 1 and 2. Runoff from field 1 is proposed to discharge to an existing watercourse that was observed flowing away toward the west in the northwest corner of the site. Runoff from field 2 is proposed to discharge to an existing watercourse located on the boundary between fields 1 and 2. Runoff from Field 8/Hurst Farm is proposed to discharge to an existing watercourse that was observed flowing approximately east to west adjacent to the northern boundary of the site.

12.246 In relation surface water drainage, WSCC LLFA advised that the applicants updated Flood Risk Assessment and Drainage Strategy have addressed their concerns. They have raised no objection, subject to conditions to control the details of the drainage. It is considered that the applicants have demonstrated that the principles of the surface water drainage for the development, which include SUDS, are acceptable, in accordance with policy DP41 of the MSDP and policy CDNP06 of the CDNP.

12.247 Foul Drainage

12.248 As Members will know, the Supreme Court has confirmed that a developer could connect into a sewerage system as of right, even when that system did not have sufficient capacity. The Court indicated that where this situation arises an LPA may impose a negatively worded condition when granting planning permission, which would require details of the sewage system proposal to be approved in consultation with the sewerage company before the development commences and for those approved proposals to be implemented before homes are occupied. It would not be appropriate for an LPA to refuse a planning application on the basis that there is insufficient capacity because the matter is dealt with by other legislation (the Water Industry Act 1991).

12.249 The proposed foul strategy for the site proposes to connect the majority of the site into the existing 225 mm diameter Thames Water gravity sewer located approximately 50 – 100m south of the site on the land south of Huntsland.

12.250 Thames Water has advised that they do not object to the application. Therefore, subject to a drainage condition it is considered that the foul drainage from the site will be satisfactory. It should be noted that this was the position for the previously approved application DM/25/0016.

12.251 Water Supply

12.252 Policy DP42 states in part that proposals that increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate that there is adequate water supply to serve the development.

12.253 On the previously approved application, DM/25/0016, the applicants provided a statement from the water supply provider, South East Water, which advises that offsite reinforcement is required to enable the company to serve the development. South East Water recommend that advance discussions are held with them to ensure that sufficient time is incorporated within the applicants build programme, to enable the reinforcement to be commissioned. The position will remain the same for this application.

12.254 South East Water has not objected to the application, and they will be the organisation that will provide the water supply to the site. In light of this, it is considered that policy DP42 in the MSDP is therefore addressed.

12.255 **Infrastructure**

12.256 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the MSDP. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

12.257 The NPPF sets out the government's policy on planning obligations in paragraphs 56 and 58 which state:

'56 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

and:

'58 Planning obligations must only be sought where they meet all of the following tests (25):

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

Footnote 25: Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.'

12.258 The Council's Development and Infrastructure SPD were adopted in July 2018. Build costs have risen substantially since the "Development Infrastructure and Contributions" SPD was adopted in July 2018. It is critical that new development mitigates its impact on local residents and communities. The Council revoked the SPD on 14th July 2025 and now relies on more up-to-date evidence on infrastructure costs by using Position Statement 2: Infrastructure, which has been approved by the Council as a material consideration. This Position Statement applies to all application received from 11th December 2025. As this application was received in March 2026, Appendix 5 of the Submission Draft District Plan has been used to calculate all Section 106 contributions due as this is based on the IDP, which (although it has not been the subject of examination) is the most up-to-date evidence available and is considered by officers to be robust, and your Planning Officer notes that there were no objections to Appendix 5 of the Submission Draft District Plan, which is also relevant to the weight that can be given to it.

12.259 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the NPPF, the infrastructure set out below is to be secured via a planning obligation.

12.260 Whilst there are figures provided for some infrastructure contributions, the final figure will not be known at this stage because this is an outline planning application, and the final mix of housing is not known at this stage. The figures provided at this stage will be based on average occupancy to provide Members with an indication of the quantum of infrastructure contributions. Therefore, a formula will be used in the legal agreement to calculate the contributions when the final mix of housing is known at the reserved matters stage.

12.261 West Sussex County Council Infrastructure Requirements:

12.262 Further education, secondary and primary school contributions calculated by a formula as the housing mix is not known. A library contribution, also calculated by a formula, would be required.

12.263 The primary education contributions generated by this proposal shall be spent on additional facilities at Crawley Down Village CofE School, or another primary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.

12.264 The secondary education contributions generated by this proposal shall be spent on additional facilities at Imberhorne School, or another secondary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.

12.265 The further secondary education contributions generated by this proposal shall be spent on additional facilities at Imberhorne School Sixth Form, or another sixth form facility in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.

12.266 The library contribution generated by this proposal shall be spent on providing additional facilities at East Grinstead Library.

12.267 Mid Sussex District Council Infrastructure Requirements (including police and health requirements)

12.268 An outdoor sport contribution, calculated by a formula as the housing mix is not known, will be required for formal sport. Using average occupancy this sum is calculated at £121,094 and is required towards new and improved formal sports and ancillary facilities at Crawley Down Cricket Club, Haven Sports Field, Crawley Down Gatwick Football Club and / or King George V Playing Field, Sandy Lane.

12.269 New residential development will give rise to an increased demand for community facilities. This is reflected in Site Allocation DPA9 of the Submission Draft District Plan which requires the provision of a community building on site. However, on the previous application, DM/25/0016, the Council's Community Facilities Project Officer stated that a financial contribution toward the Haven Centre would be preferable. The Community Facilities Project Officer stated that the *'Haven Centre is a large village facility, just under a mile from the development site, which could accommodate increased capacity but it will require investment to improve and modernise the building for greater community use. The provision of community facilities is an essential part of the infrastructure required to service new developments to ensure that sustainable communities are created. Upgrading the existing community centre will create a vibrant village amenity which will help bring the old and new resident communities together.'* It is considered that the position remains the same with the current application and your Planning Officer continues to agree with this approach. The sum required, based on Appendix 5 of the Submission Draft District Plan and using average occupancy, is £121,851.

12.270 A contribution, calculated by a formula as the housing mix is not known, will be required for local community infrastructure. This is calculated, as per Appendix 5 of the Submission Draft District Plan and using average occupancy, as £86,676. This would be used for public realm improvements in Crawley Down village centre, improvements to allotment site at Station Road, Crawley Down and safer walking routes to school/village facilities from site

12.271 NHS Sussex

12.272 Requires a contribution to go towards NHS GP services.

12.273 Sussex Police

12.274 Requires a contribution of £23,866.05 to go towards the costs of a police officer, equipment and training and a support staff.

12.275 It is considered that the above contributions are reasonable and necessary to mitigate the impact of this development. Subject to the completion of a s106 legal agreement to secure the required infrastructure contributions and a condition regarding digital infrastructure, the development accords with policies DP20 and DP23 of the MSDP, the relevant SPDs, Regulation 122 and guidance in the NPPF.

12.276 In relation to digital infrastructure, as required by policy DP23 of MSDP, details of this provision can be secured via a condition, and a suitable wording is set out in Appendix A.

12.277 **Ashdown Forest**

12.278 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).

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

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

12.281 Recreational disturbance

12.282 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.

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

12.284 The mitigation for this proposed development will take the form of an open space on site provided as part of the development. This open space will not officially be a SANG, but is designed with SANG characteristics in mind (for example, a variety of habitats being provided, a network of paths and a focal point feature). It is considered that as the open space will be high quality, well-designed and on site as part of the proposed development it will be attractive for future residents to use. As shown by research elsewhere, the provision of local open space in close proximity to home means residents are likely to visit them instead of the designated site for their recreational needs. The proposed open space will be within walking distance for residents of the proposed new housing.

12.285 This open space will be secured in the planning permission, which will include details of the future maintenance regime. The planning permission would also secure the timetable for the delivery of the open space so that it can be provided at an appropriate time.

12.286 An appropriate scale of SAMM mitigation for the proposed development is £267,930.

12.287 The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy.

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

12.289 Natural England has been consulted on the appropriate assessment of this proposed development and have raised no objection to the application, subject to the above mitigation being secured.

12.290 Atmospheric pollution

12.291 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.

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

12.293 Conclusion of the Habitats Regulations Assessment

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

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

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

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

12.298 **Aerodrome Safeguarding**

12.299 The Aerodrome Safeguarding Officer for Gatwick Airport has no objection to the application, subject to conditions regarding landscaping. It is considered that with suitable conditions in place there would be no adverse impact on safety at Gatwick Airport.

12.300 **Other Matters**

12.301 Japanese Knotweed

12.302 Concerns were raised on the previous application DM/25/0016 about the possible presence of Japanese Knotweed around the derelict farm buildings. Japanese knotweed is listed on Schedule 9 and subject to Section 14 of the Wildlife and Countryside Act 1981, which makes it an offence to plant this species in the wild or

cause it to grow in the wild. A planning condition could be used to address this matter.

13.0 Planning Balance and Conclusion

- 13.1 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Crawley Down Neighbourhood Plan (CDNP).
- 13.2 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 13.3 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Crawley Down as defined by the District Plan. As such the site is located within the defined Countryside.
- 13.4 Policy DP12 of the MSDP refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposed development does not meet all of the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.
- 13.5 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 13.6 It is a relevant material planning consideration that outline planning permission has been granted on part of the site of this application for a major housing development of up to 150 dwellings and a 65 bed care home (application reference DM/25/0016). This was granted on 5th September 2025 and has established the principle of development on much of the site of this application.
- 13.7 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. At the present time, 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,

having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. 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.

- 13.8 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policies DP12 and DP13 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application. Policy CDNP05 in the CDNP refers to a cap in the quantum of residential development of 30 dwellings and also refers to a maximum density of 25 dwellings per hectare. The cap on residential density does not accord with the advice in the NPPF to make efficient use of land. In addition, there is no explicit support in the NPPF for a limit of 30 dwellings for an individual planning application. For these reasons, and the fact that this is a housing supply policy, it is considered that the weight that can be afforded to policy CDNP05 is limited.
- 13.9 The proposal would provide up to 230 dwellings, including 30% affordable housing and a care home of up to 70 beds. Given the inability of the Council to demonstrate a five year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.
- 13.10 In respect of its landscape impact, it is accepted that there will be a significant change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. This significant change in character will also be clearly visible from the public rights of way that run around the site. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the district, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.
- 13.11 The proposal would provide up to 230 dwellings, 30% of which would be affordable and a care home of up to 70 beds. The proposal complies with policies DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.
- 13.12 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.
- 13.13 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 13.14 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. The applicants are proposing to provide a net gain on site. This would comply with the relevant requirements. Whilst mandatory, the fact

that the proposal will deliver a net gain in biodiversity (in this case above the mandatory 10%), should be given positive weight in the planning balance.

- 13.15 There are no objections to the scheme from the Environment Agency or the Lead Local Flood Authority. It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 13.16 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 13.17 The legal agreement will secure the required contribution towards the Strategic Access Management and Monitoring (SAMM) strategy for the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). In addition, the legal agreement will secure an open space on site that will be designed with Suitable Alternative Natural Greenspace (SANG) characteristics so that it will perform the same function as a SANG. Natural England has no objections to the proposal, and it is therefore considered that policy DP17 in the MSDP is met in respect of preventing adverse effects on the Ashdown Forest SPA and SAC.
- 13.18 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 13.19 Weighing against the application is the conflict with development plan policy in relation to policies DP6, DP12 and DP15 of the MSDP and policy CDNP05 in the CDNP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five year housing land supply. The weight to be attached to policy CDNP05 is reduced because of its lack of conformity with the NPPF and the fact that it is a housing supply policy.
- 13.20 Also weighing against the application is the harm that would be caused to the setting of designated and non-designated heritage assets around the site. This results in a conflict with policy DP34 of the MSDP. This harm would fall into the less than substantial category as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the less than substantial harm to designated heritage assets and the public benefits of the proposed development. In carrying out this balancing exercise, the decision maker should give significant weight to the less than substantial harm to properly reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable. The NPPF also requires a balanced judgement in relation to the impact on non-designated heritage assets.
- 13.21 It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, the economic benefits including construction jobs, additional spending in the locality), do outweigh the less than substantial harm to the setting of the heritage asset in this instance and the non-designated heritage assets.

- 13.22 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 13.23 In light of all the above it is considered that the proposal complies with policies DP13, DP17, DP20, DP21, DP22, DP26, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the MSDP. There is partial compliance with policy CDNP05 in the CDNP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing. The proposal also conflicts with policy DP34 in the MSDP. Whilst the site is proposed to be allocated for housing in the Submission Draft District Plan, the weight that can be attached to this document at present is minimal because of the stage the plan is at in its examination and the unresolved objections to this plan. Nonetheless, the site selection process which underlies the Submission Draft District Plan supports the conclusion that DPA9 and DPA10 are suitable and sustainable sites which can help to meet the Council's housing need.
- 13.24 In relation to the CDNP it is considered the application complies with policies CDNP01, CDNP06, CDNP08, CDNP09 and CDNP10. The application complies with some, but not all the criteria within policy CDNP05.
- 13.25 Taking all of this into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the development plan that have been referred to in this report, the proposal does conflict 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'.
- 13.26 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.
- 13.27 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.
- 13.28 The proposal would provide up to 230 new dwellings and a care home at a time when the Council cannot demonstrate a five year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would also result in a net gain in biodiversity. These benefits

would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.

- 13.29 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the public right of way network, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.
- 13.30 The proposal would have a negative impact on the setting of a number of designated and non-designated heritage assets. The proposal would also change the character of this part of the district from a green field site to a housing development, which some people would regard as a negative change.
- 13.31 It is also an important material consideration that planning permission has been granted for a major residential development (150 dwellings and a 70 bed care home) under application DM/25/0016. The LPA has therefore approved the principle of this site being developed and the inevitable significant change to the character of the area.
- 13.32 It is your Planning Officer's view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

The development hereby permitted must be begun either not later than the expiration of eighteen months from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

Pre-commencement

2. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Ecological Appraisal (Aspect Ecology Ltd, February 2026).

The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). This shall include a Precautionary Working Method Statement (PWMS) detailing reasonable avoidance measures for great crested newts.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and to comply with Policy DP38 Mid Sussex District Plan 2014-2031

3. Prior to commencement of the development, detailed designs of a surface water drainage scheme shall be submitted to and agreed with the Local Planning Authority. This shall be in accordance with the approved Flood Risk Assessment, Ramboll, 27.02.2026, Version 2.0 and Drainage Strategy by Ramboll, 27.02.2026, Version 3.0. The design shall follow the NPPF, PPG Flood risk and coastal change and National Standards for SuDS. The submitted details shall include:
 1. Surface water runoff rates will be attenuated to the rates and volumes stated within 3.4 of the of the Drainage Strategy.
 2. Evidence that the surface water drainage system complies with the National Standards for SuDS for the management of everyday rainfall (interception).
 3. Details of all existing and proposed watercourses and sewers, including any proposed discharge points.
 4. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change). Hydraulic calculations and detailed construction drawings shall be submitted to demonstrate this.
 5. Detailed drainage layout plan, which corresponds with the hydraulic calculations.
 6. An exceedance flow routing plan demonstrating no increase in surface water flood risk off site. The plan must include proposed levels and flow directions.

7. Evidence that the surface water drainage system meets Standard 4-6 of the National Standards for SuDS.
8. Construction method statement for the surface water drainage system and any ordinary watercourses within or adjacent to the site.
9. Site-specific maintenance and management plan for all elements of the surface water drainage system and any ordinary watercourses/culverts within the development.
10. Finished ground floor levels of residential properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181,182 and 187 plus National SuDS Standards 1 to 7, by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development and to comply with Policy DP41 Mid Sussex District Plan 2014-2031 and Policy CDPN06 of the Neighbourhood Plan.

4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
 - o a timetable for the commencement, construction, occupation and completion of the development
 - o the anticipated number, frequency and types of vehicles used during construction,
 - o the method of access and routing of vehicles during construction,
 - o the siting and layout of site compounds and welfare facilities for construction workers
 - o the parking of vehicles by site operatives and visitors,
 - o the loading and unloading of plant, materials and waste,
 - o the storage of plant and materials used in construction of the development,
 - o the erection and maintenance of security hoarding,
 - o the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - o details of public engagement both prior to and during construction works.
 - o details of measures to control noise or vibration affecting nearby residents
 - o artificial illumination; dust control measures in accordance with best practice.
 - o measures to deal with surface water run-off from the site during construction
 - o contact details of site operations manager, contracts manager, and any other relevant personnel.

The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenities of the area, to ensure that the M23 Trunk Road continues to be an effective part of the national system of

routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety and paragraph 116 of the National Planning Policy Framework (2024) and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 - 2031.

5. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- The species, number and spacing of trees and shrubs
- Details of any water features/wetlands

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of London Gatwick through the attraction of birds and an increase in bird hazard risk of the application site.

6. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Local Planning Authority. The submitted Plan shall include details of:

- o Attenuation times of SUDS features & wetlands
- o Profiles & dimensions of water bodies
- o Details of marginal planting
- o On going maintenance to ensure drain down times and maintained

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of London Gatwick through the attraction of birds and an increase in the bird hazard risk of the application site.

7. (1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.
- (2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in Part 1 and confirmed by the archaeological advisors to the Local Planning Authority.
- (3) No development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/preservation strategy for approval by the Local Planning Authority.
- (4) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI, and approved by the Archaeological Advisors to the Local Planning Authority.
- (5) The applicant will submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise

agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site is potentially of archaeological interest and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

8. Prior to the commencement of development, excluding demolition and site clearance (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination shall be submitted to and approved in writing by the Local Planning Authority:

a) A site investigation, based on the Desk Study Report by Geo Environmental Services Ltd, ref GE23261 - DSRv2AP260130, and dated 30 January 2026 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the Local Planning Authority,

b) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 196 of the NPPF.

9. Prior to the commencement of the development details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

10. Prior to site clearance, a Method Statement outlining measures to prevent and control the spread of Japanese Knotweed during any operations shall have been submitted to, and approved in writing by, the local planning authority. Development shall proceed only in accordance with the approved details.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptor and to comply with paragraph 196 of the NPPF.

11. No development above slab level shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls, roofs and fenestration of the proposed building(s) have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

12. No development above slab level shall be carried out unless and until the details of a scheme of mitigation measures to improve air quality relating to the development has been submitted and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application. The calculated figure of £47,422 submitted in the RSK Air Quality Assessment (Report No: 446051-03(00)) is accepted and agreed. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.
- Informative - Measures already required under other regimes shall not be counted toward the value of the scheme. In order to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.

Reason: to preserve the amenity of local residents regarding air quality and emissions and in accordance with policy DP29 of the Mid Sussex District Plan 2014-2031.

13. Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or
 - b) evidence of site registration supplied by an individual registered to use a Bat Mitigation or Earned Recognition Class Licence; or
 - c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and to accord with policy DP38 of the Mid Sussex District Plan 2014-2031.

14. Prior to any works above slab level and concurrent with reserved matters, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Appraisal (Aspect Ecology Ltd, February 2026), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended) and to accord with policy DP38 of the Mid Sussex District Plan 2014-2031.

15. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality and to accord with Policy DP26 of the District Plan 2014 - 2031.

Pre-occupation

16. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of lighting layout plans, isolux contour plans, vertical and horizontal illuminance assessments, luminaire specifications, mounting heights, aiming angles, shielding measures, and lighting control strategies)) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and to accord with policy DP38 of the Mid Sussex District Plan 2014-2031.

17. Upon completion of the surface water drainage scheme (or phase) and prior to the first occupation of the development (or phase), a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved and shall include as a minimum.
- 1. CCTV survey of underground structures,
 - 2. A full set of "as built" drawings highlighting any minor changes to the approved drawings.
 - 3. Demonstration that vegetation has become established.
 - 4. Photographs of excavations (including soil profiles/horizons) and any installation of any surface water drainage structures and control mechanisms.
 - 5. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local

Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and to comply with Policy DP41 Mid Sussex District Plan 2014-2031 and Policy CDNP06 of the Neighbourhood Plan.

18. The development hereby approved shall not be occupied until details of the maintenance and management of the Sustainable Drainage Scheme (SuDS) in accordance with National SuDS Standard 7 have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the network in addition to those listed in SuDS Standard 7 to be submitted for approval shall include:

1. A timetable for its implementation.
2. Details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a non-technical labelled drawing showing where they are located and how to access them.
3. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and to comply with Policy DP41 Mid Sussex District Plan 2014-2031 and Policy CDNP06 of the Neighbourhood Plan.

19. Prior to the first occupation of any dwelling or unit forming part of the proposed development that they will at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrant shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner / occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

20. The development hereby permitted shall not be occupied or brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the Local Planning

Authority in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 196 of the NPPF.

21. No dwellings shall be occupied until details of the play area(s) have been submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping and fencing of the areas, a timetable for implementation and arrangements for future management. Development shall be carried out in accordance with the approved details and the approved play area(s) shall thereafter be permanently retained as such.

Reason: To ensure satisfactory provision of equipment and to ensure that play areas are provided and retained within the development for use by the general public and to accord with Policy DP24 of the Mid Sussex District Plan 2014 - 2031.

22. Prior to the occupation of any dwelling or building subject of this permission, details of proposed screen walls/fences shall be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences associated with them have been erected.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

23. No dwelling or any part of the care home shall be first occupied until the vehicular access has been constructed in accordance with the details shown on drawing titled 'Proposed Access Arrangement onto Turners Hill Road' and numbered ITS20013-GA-001 revision C.

Reason - To ensure safe and suitable vehicular access is provided and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

24. No dwelling or any part of the care home shall be first occupied until the footway extension works on Wychwood Place have been constructed in accordance with the details shown on drawing titled 'Proposed Footway Extension on Wychwood Place' and numbered ITB9155-GA-104.

Reason - To ensure the provision of safe and suitable access for pedestrians and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

25. No dwelling or any part of the care home shall be first occupied until works shown on the drawing titled 'Proposed Shared Pedestrian/Cycleway and Emergency Access' and numbered ITS210013-GA-002 revision A have been constructed. This access shall thereafter only be used as a Pedestrian/Cycleway and Emergency Access and shall not be used as a general vehicular access.

Reason - To ensure the provision of safe and suitable access for pedestrians and cyclists and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

26. No dwelling or any part of the care home shall be first occupied until a scheme of bus stop improvements have been undertaken in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure the provision of improved passenger transport waiting facilities and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

27. No part of the development hereby approved shall be occupied until details of signage to advise cyclists that they must dismount whilst travelling on footpath 33 have been submitted to and approved in writing by the Local Planning Authority, and the approved signage has been installed.

Reason: In the interests of pedestrian safety and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

28. No residential dwelling shall be first occupied until details of the digital infrastructure for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the appropriate provision of digital infrastructure and to comply with policy DP23 of the District Plan 2014-2031.

Pre and Post Development

29. No solar panels shall be installed until full details of PV and solar thermal schemes have been submitted to and approved in writing by the Local Planning Authority.

No subsequent alterations to the approved schemes are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure the development does not endanger the safe movement of aircraft or the operation of London Gatwick through interference with communication, navigation and surveillance equipment or glint and glare issues.

30. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category 2 Approved Document M Requirement M4(2)) of the Building Regulations). These shall be identified in any subsequent reserved matters submissions and be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority, unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

31. No more than 50 dwellings of the development hereby permitted shall be occupied until the improvement scheme for M23 Junction 10, as shown in accordance with drawing ref: 24205/13/001 Rev C or a similar scheme that will achieve the same improvement agreed with the local planning authority in consultation with the highway authority for the M23, is completed and open to traffic.

Reason: To comply with policy DP21 of the Mid Sussex District Plan and to mitigate any severe or unacceptable impact from the development on the M23 in accordance with paragraph 116 of the National Planning Policy Framework (December 2024) and paragraph 40 of DfT Circular 01/2022.

32. Prior to or concurrently with the submission of the first of the reserved matters application for residential development, an Allotments Proposal shall be submitted to the Local Planning Authority. The Proposal shall detail the need for the site to deliver allotments in the areas identified in the illustrative masterplan. Where a need is identified the Proposal shall further set out details of the proposed programme for the delivery of the area for the allotments, together with proposals for future management of the allotment area. Where a need is not identified proposals for incorporation of the allotments into the wider countryside open space shall be submitted to the Local Planning Authority.

No development apart from enabling works agreed in writing by the Local Planning Authority shall commence until such time as the Allotments Proposal has been approved in writing by the Local Planning Authority.

Reason: To ensure that the issue of allotment provision is considered and in the interest of appearance, character and amenity of the area to accord with policy DP26 of the District Plan.

Construction stage

33. If during construction contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a method statement identifying and assessing the risk and proposing remediation measures, together with a programme, has been submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the Local Planning Authority. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 196 of the NPPF.

34. Unless otherwise agreed in writing with the LPA, no construction plant or machinery shall be used and no commercial goods or commercial waste shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours of 08:00 - 18:00 Hours Monday - Friday, 09:00 - 13:00 Hours Saturday, and no work permitted on Sundays or Bank/Public Holidays.

Reason: In the interests of highway safety and the amenities of the area and to accord with policies DP21 and DP26 of Mid Sussex District Plan 2014 - 2031.

35. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday - Friday: 08:00 - 18:00 Hours
Saturday: 09:00 - 13:00 Hours
Sundays and Bank/Public Holidays: No work permitted

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

36. In all aspects the reserved matter submissions shall be broadly in conformity with submitted parameters plan drawings (drawing nos 009-01 C, 009-02 B, 009-03 A, 009-04 C, 009-05 C).

Reason: In the interest of appearance, character and amenity of the area to accord with policy DP26 of the District Plan.

37. If the development or a relevant phase of hereby approved does not commence within 2 years from the date of the planning consent, the approved ecological mitigation measures secured through condition shall be reviewed and, where necessary, amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species and
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of the development or relevant phase of development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and to comply with policy DP38 of the Mid Sussex District Plan 2014-2031.

38. Piling works or other penetrative foundation works may not commence until such time as a scheme has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall be based on the information submitted as part of the application and, where necessary, supported by:

- o Foundation Works Risk Assessment
- o A conceptual site model
- o Specification of the type, number and depth of proposed piles/ foundations/ dimensions of shaft/tunnel/ design of heating and cooling system
- o A detailed groundwater monitoring programme including a schedule for submission of interim and final monitoring reports
- o A contingency action plan including the list of potential mitigation measures that will be implemented, should unexpected changes in groundwater quality be noted as a result of decommissioning works.
- o Timing/phasing arrangements.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements contained in the scheme, or any details as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 187 of the National Planning Policy Framework.

Operational Phase

39. The rating level of the noise emitted from fixed plant and equipment (mechanical and electrical) located at the care home and any non-residential premises shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To comply with policy DP29 of the Mid Sussex District Plan 2014-2031 and to ensure that the amenities of occupiers of other premises in the vicinity are protected.

40. No commercial goods or commercial waste shall relating to the care home shall be loaded or unloaded, outside the hours of 07:00 - 20:00 Hours Monday - Friday, 09:00 - 17:00 Hours Saturday, and no work permitted on Sundays or Bank/Public Holidays.

Reason: To comply with policy DP29 of the Mid Sussex District Plan 2014-2031 and to ensure that the amenities of occupiers of other premises in the vicinity are protected.

Self-Build

41. The development hereby permitted for the self / custom build element shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning authority for each plot. Foul and surface water drainage shall be in line with the sitewide drainage design's volume and discharge rate allowances and utilise the connection point identified. The buildings shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, and Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

42. No reserved matters shall be submitted in respect of the self / custom build dwellings unless and until a design code and plot passport in relation to the self / custom build plots detailing the parameters of future development for each plot has been submitted to and approved by the Local Planning Authority. These documents shall include (but not be limited to) the following information: a) Palette of materials for external appearance of dwelling including windows b) Parameters on height and positioning on the plot c) Details on boundary treatment d) Information on performance and sustainability requirements. Each plot should follow the design code and plot passport in the submission of any reserved matters application.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

43. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interest of proper planning.

Biodiversity Net Gain

1. This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex Lead Local Flood Authority. It is advised to discuss proposals for any works at an early stage of proposals. Further details can be found here: Ordinary watercourse land drainage consent - West Sussex County Council.
2. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
3. Self-build plots must be clearly identified on drainage plans, allocated a discharge rate and volume allowance within the wider scheme, and provided with an appropriate connection point to the wider system.
4. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place
5. As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.
6. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying->

conditions (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

7. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
8. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
9. You are advised to read the Thames Water guide regarding working near or diverting Thames Water pipes.
10. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals. Further details can be found: Ordinary watercourse land drainage consent - West Sussex County Council.
11. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Highways Plans	ITB9155-GA-104		24.04.2026
Highways Plans	ITS210013-GA-0		24.04.2026
Other	ITB9155-GA-103	A	05.03.2026
Highways Plans	ITS210013-GA-001	C	24.04.2026
Highways Plans	ITS210013-GA-002	A	05.03.2026
Other	013-01	A	05.03.2026
Other	013-02		05.03.2026
Other	013-03		05.03.2026
Other	013-04	A	05.03.2026
Other	013-05	B	05.03.2026
Other	SK001-08	V5	05.03.2026
Other	SK010	V1	05.03.2026
Location Plan	CD-NHS-RLP-01		05.03.2026

