

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2912	Case Officer:	Anna Tidey
Application Type:	Full Application		
Proposal:	Proposed conversion of stables and timber barn to one residential dwelling and change of use of land to residential curtilage.		
Site:	Equestrian Yard London Road, Balcombe, West Sussex, , , , ,		
Validation Date	9 Dec 2024	Overall Expiry Date:	24 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	1 May 2025
Target Date:	3 Feb 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	6 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2912

**Equestrian Yard London Road, Balcombe, West Sussex, , , ,
Proposed conversion of stables and timber barn to one residential dwelling and change of use of
land to residential curtilage.
Mr Andrew Coveney**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

Conservation Officer:

The barn is distant from Kings Farmhouse, but it appears on our earliest OS maps. It looks like an out farm, i.e. farmyard set in fields some way from its farmhouse, built to make the farming of more distant fields easier- and may therefore be of interest as an NDHA if not as a curtilage listed building.

Please request a further, more detailed heritage statement which addresses the date and level of interest of the buildings affected, and also the question of possible curtilage listing.

Further comments: The proposed development site is a small stable yard to the western side of London Road, in a rural location to the north of Balcombe. The buildings on the site are mixed in age, the earliest probably dating from the C19th, but have been altered and repaired over the years. They would appear to constitute a small out farm, possibly associated with either Yew Tree Farm, which is located to the north west on the opposite side of London Road, or Kings Farm, which is further to the north but on the same side of the road. The latter seems perhaps more likely given the common ownership of the two, and common tenancy during the C19th, however the submitted Heritage Statement is inconclusive in this respect. Although the buildings are not of any particular architectural merit, given the age of the older elements and the contribution which surviving out farms make to an understanding of previous agricultural practice, I would consider that the yard possesses some historical interest in the local context, and should be regarded as a non designated heritage asset on this basis. The yard also has some group value with Grade II listed Kings Farmhouse, which is clearly visible from the immediate setting to the west of the buildings, albeit that direct intervisibility may be limited by an intervening modern agricultural building. The yard will be considered to make a modest positive contribution to the setting of Kings Farm, which is strengthened by an apparent history of common ownership or tenancy.

The current proposal is for alterations to the buildings including a small extension to link the northern and western ranges, in connection with their conversion to form a 3 bedroom house.

A structural report has been submitted to confirm that the buildings are capable of conversion. The proposed alterations to the buildings are fairly extensive, but generally sympathetic to the agricultural character of the yard, subject to detail which could be reserved by condition. A detailed hard and soft landscaping scheme showing any works proposed to the area around the buildings should also be required, to ensure that overly domesticating features are not introduced. On this basis, the proposal is considered to preserve the significance of the NDHA, and its positive contribution to the setting of Kings Farmhouse.

This meets the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

I recommend planning conditions regarding construction details and withdrawing permitted development rights in order to prevent further incremental domesticating alterations to the buildings and the garden setting.

Drainage:

We would advise the applicant that the development is considered new build in terms of drainage potential. Therefore, surface water drainage must be designed to cater for the 1:100-year plus climate change event and utilise in-situ infiltration testing.

The applicant is advised that if any part of the building your treatment system serves is within 30 metres of a public sewer, the Environment Agency will not allow you to start a new discharge from a septic tank or small sewage treatment plant under the general binding rules.

Information into our general requirements for detailed foul water drainage design is included within our 'General Drainage Information Guide'. www.midsussex.gov.uk/media/8092/detailed-drainage-design-technical-summary-version-2023-03.pdf. This level of information will be required to address the recommended drainage condition.

To ensure the final drainage design meets with the latest design requirements we would advise the applicant to confirm the design parameters required prior to undertaking detailed design.

No objection, subject to a condition requiring details of the proposed foul and surface water drainage and means of disposal to be submitted to and approved in writing by the local planning authority before the development commences.

Highways Authority:

The proposal is for the conversion of stables and timber barn to one residential dwelling and change of use of land to residential curtilage. The application has been submitted with a Transport Note which contains additional details relating to trip rates, parking and turning, cycle storage and Personal Injury and Accident data.

The proposal site is accessed via London Road, a B classified road subject to 50mph speed restrictions.

The LHA has consulted the most recent and up to date WSCC accident data, which has confirmed that there have been no recorded injuries or accidents at the existing site access onto London Road. There is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

Access made into the site will be via the existing access point used by the stables. This is an established use and has functioned with no known highways safety concerns. A gated access currently exists to the site, this is set back approx. 8m from the edge of the carriageway. This distance allows for a car to be clear of the carriageway whilst waiting for the gate to be operated.

There may be a benefit to the applicant formalising the access to the property from the publicly maintained highway, with a bound material. This would require a license obtainable from the WSCC Highways Authority. Doing this would prevent overspill and debris being scattered into the highway from the access point and reduce the opportunity for damage to vehicles and the highway surface. An Informative is recommended.

The parking plan shows space for 2 vehicles, having consulted the WSCC Parking Demand Calculator, for a dwelling of this size in this location it has been established that three parking spaces would be sufficient. The site plan outlines that there would be sufficient space within the associated frontage to accommodate for the likely parking demand. The plans however demonstrate that the two spaces would comply with WSCC adopted standards for parking spaces at 2.8 x 4.8m. Additional space is available within the frontage to accommodate any overspill/ additional parking, without compromise to turning facilities.

The LHA considers that space exists within the frontage to accommodate parking with a turn on site facility to egress onto London Road in a forward gear.

A secure and covered storage area has been noted within the Transport Note as being provided for safe and secure cycle storage, this will accommodate at least 3 cycles. A planning condition is recommended for such provision.

The Transport Note outlines the existing and anticipated vehicular movements that the site may generate, this has been compiled using the TRICS database. The results show that the residential use would be considered an overall reduction in vehicular movements over the potential of the stables use.

Taking into account the existing stable usage in terms of highway safety and level of activity of the site, it is unlikely that this proposal to change to C3 would have an adverse impact on the local highway network. From experience of other similar proposals, the LHA recognise that stables have capacity to generate more vehicle movements compared with residential developments of this scale. As such, there is no expectation for this proposal to give rise to any increase in the character of traffic in the vicinity of the site.

The site is situated on the B2036 North of Balcombe. Rail services are available a 3 minute drive south at Balcombe Train station. A bus stop is located to the North of the site at Yew Tree Farm, however is not served with linked or lit pedestrian footways, this is not a regular bus service and therefore it is anticipated that the rural nature of the site will put weight on the use of a car for journeys further afield. Cycle Parking is to be accommodated, however given the nature of the immediate highway network as a largely unlit and busy road, this may appeal only to more experienced cycle users.

In summary the Local Highways Authority raise no severe highways safety concerns to the proposal, subject to conditions requiring the provision of car parking space, cycle parking and an informative regarding the site access works.

Further comments: The applicant has now provided a revised plan showing the red and blue edge property boundaries of the site.

The plans do not materially alter the comments previously issued by the LHA. The access and associated verge remain publicly maintained highway and therefore the advice given suggesting resurfacing of the existing access point to a bound material still stands.

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

Tree Officer:

The trees and drainage document is lacking information and the drawing is unclear. I cannot decipher where ground protection will be placed, and permeable surfacing will be installed. I would expect a full Arboricultural Impact Assessment, which would include an Arboricultural Survey, detailing specifics of the trees, such as category, species, age etc. Also included should be a detailed Arboricultural Method Statement, which would tell me how much of an incursion into the Root Protection Areas (RPA) will take place for each tree. Further, a Tree Protection Plan is required, which is clear and easy to interpret.

The current document mentions that an air spade and that Arboricultural Supervision are preferable, but not essential, which I feel would be when working within the RPA of mature trees.

The document describes special construction techniques to prevent damage to tree roots.

Further, the document describes some stumps to be ground out, but I cannot find details of any proposed tree work, which would require stumps to be ground out. Please could further information be provided?

Further comments: I note that the trees on the access route will now be protected by fencing and that they are category A trees. These would be a constraint to development. However, as they will be protected by the existing fence line, and that the proposal does not require any further foundations to be

constructed within the RPA of these very valuable trees, this is considered acceptable. Please do condition the methodology described on the updated drawing, number 5081 02.

Ecologist:

We note from the Ecological Impact Assessment (Kent Sussex Ecology, September 2024) that two emergence surveys for bats were undertaken on Buildings B2 (timber barn), B3 (timber stable) and B5 (timber stable) in July and August 2024. We understand that no evidence of bats was found and therefore agree that no further surveys for bats in buildings are required. We note that a Ground Level Tree Assessment for bats was undertaken and the large mature trees on the boundary will be retained. We therefore agree that no further surveys for bats in trees are required.

We also support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Ecological Impact Assessment (Kent Sussex Ecology, September 2024)) to avoid impacts from light disturbance. A planning condition is recommended.

BNG -The de-minimis exemption, as set out under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, applies to development that does not impact a Priority habitat and impacts less than:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats (e.g. hedgerows or watercourse)

The de-minimis threshold refers to impact and not size of the red-line boundary. A development 'impacts' a habitat if it decreases the biodiversity value.

Providing that the development does not affect any more than 25m², we are satisfied that the development is exempt from the statutory requirement of mandatory biodiversity net gains.

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

Further comments: We also note that the woodland habitat on the verge running alongside the B2026 road provides suitable habitat for Hazel Dormouse and is connected to woodland in the wider landscape. However, as the agent email (14th January 2025) confirms the existing access will be used and therefore there will be no works to the woodland habitat, we agree no further surveys are required for Hazel Dormouse.

We are now satisfied that there is sufficient ecological information available to support determination of this application, and recommend planning conditions to require the development accords with the mitigation measures in the submitted Ecological Impact Assessment, that a Biodiversity Enhancement Layout for biodiversity enhancements is submitted to and approved in writing by the local planning authority prior to any works above slab level, and a lighting design scheme for biodiversity is submitted to and approved in writing by the local planning authority prior to the occupation of the dwelling.

Further advice: The de-minimis exemption threshold of <25m² and <5m of linear habitat refers to the impact of proposals and not size of the red-line boundary. A development 'impacts' a habitat if it decreases the biodiversity value.

Therefore, as any 'developed land; sealed surface' (e.g. concrete) has a habitat unit value of 0, proposals will not decrease the existing biodiversity value.

Southern Water:

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

Housing Standards Officer:

Housing Standards legislation requires:

Single bedroom: minimum size 6.5 square metres

Double bedroom minimum size 10 square metres

Means of escape in case of fire. 30 Minute fire doors to kitchen and living areas

Suitable interlinked fire alarm systems installed in kitchens and living areas and hallways of all flats.

Provision of a fire window to the bedroom window. Access is via a high risk room namely a kitchen.

Heating system capable of maintaining the following internal temperatures when the external temperature is -1degrees C: Living room and dining room 21degrees C, Bathroom 22degrees C and elsewhere 18degrees C.

All kitchen/living areas must be provided with open-able windows of a suitable size to ensure sufficient ventilation without causing excessive draughts.

Provision of adequate natural lighting via windows to kitchen, bedroom and living rooms to provide adequate natural lighting. BS8206 Code of practice Parts 1 & 2. Also BRE guidance on Natural Lighting.

Contaminated Land Officer:

Given the historical use of the stables and timber barn in conjunction with agricultural use, there is a potential for contamination from substances typically associated with agricultural activities. These may include biocides, fuels, or animal remains, which can cause localised contamination. I agree with the proposed conditions.

PARISH COUNCIL OBSERVATIONS

Balcombe Parish Council:

In principle we support this conversion of an existing building that keeps a heritage asset (DP15). While being outside the built up area of the village, it maintains the character of the rural landscape (DP12) and adds a windfall development of a modest 3 bedroom property.

We do have concerns about the safety of entry and egress to the road which has a national speed limit on a slight bend in the road. The plans show no changes to existing trees and foliage, but we feel that visibility splays at the entrance should be appraised for driver and pedestrian safety.

We also have concerns about the size of the allocated curtilage, which provides very little outside amenity space for the property other than off road parking.

INTRODUCTION

This application seeks planning permission for the conversion of single storey equestrian stables and a barn located in an L shaped layout on a site on the western side of London Road to the north of Balcombe village.

The proposal is for alterations to the buildings, including a small extension to link the northern and western ranges, to allow their conversion to form a 3 bedroom house.

RELEVANT PLANNING HISTORY

None found.

SITE AND SURROUNDINGS

The site extends to an area of 317.5 square metres and benefits from an existing vehicular access from London Road (B2036). The land accommodates an equestrian yard with an L shaped range of single storey stables and a barn at the northern end.

The buildings are laid out around a concrete yard and there are of timber construction with pitched roofs, covered with roof sheeting. The buildings are in use as horse stabling. At the time of the submission of the application there were associated structures on the land: an adapted touring caravan and a green painted storage container. The storage contained is still on the land.

The yard is obscured from public vantage points from the road by solid close boarded perimeter fencing and a pair of timber gates which are located in a set back position from the road. The vehicular access to the gates from the road is across rough hardstanding. There are a number of mature trees growing to either side of the access gates along the front boundary of the site.

The submitted site plan shows that the site, outlined in a red outline, forms part of a larger unit of land which includes Kings Farmhouse to the north. The land comprises of a series of irregular shaped fields fronting onto London Road and these extend some 175m to the south of the site and 910m to the north, as far as Monks Forest Cottage.

There are no public rights of way on the site, the nearest being to the north east of the land, a Public Footpath (route BAL/29Ba/1), running in a easterly direction.

The site lies in open countryside to the north of Balcombe and within the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

This application seeks planning permission for the conversion of the existing equestrian buildings and timber barn into one residential dwelling, located off the existing access from London Road. The dwelling would have a gross internal area of 100.9 sq m and would provide three bedrooms, a lounge, study, kitchen and a shared bathroom.

Two small link sections are proposed to attach the stable and barn structures, one a 2.8m by 1.4m section sited to the west of the stables, to provide bathroom space, and a second irregular shaped corner addition, to create a dining room to link the kitchen and study, measuring a maximum of 3m deep at the north western corner of the L shaped building

It is proposed that the existing oak building frame would be exposed, the stone plinths would be repointed, the walls clad in horizontal feather edged oak timber boards and the roofs covered in clay tiles, with zinc roofing on the low pitched stable roof.

The courtyard area will be cleared to allow two car parking spaces to be provided. The submitted plans show the area will be finished with a new permeable surface of compacted gravel on a cellular system.

The submitted plans show the curtilage for the new dwelling to be sited tightly around the building perimeter. The new dwelling is to be served by a new proprietary sewage treatment plant, shown to be located a short distance to the rear, on land to the west of the building.

The submitted plans have been accompanied by a Tree and Drainage Plan/Reports, a Planning Statement and Design and Access Statement, a Heritage Statement, Preliminary Ecological Appraisal, Transport Note, Ecological Impact Assessment and a Structural Appraisal. These documents are available to view on the planning file.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

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

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

Mid Sussex District Plan

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

Relevant policies:

- DP6 Settlement Hierarchy
- DP12 Protection and Enhancement of Countryside
- DP15 New Homes in the Countryside
- DP16 High Weald Area of Outstanding Natural Beauty
- DP17 Ashdown Forest SPA and SAC
- DP21 Transport
- DP26 Character and design
- DP27 Dwelling Space Standards
- DP29 Noise, Air and Light Pollution
- DP34 Listed Buildings and Other Heritage Assets
- DP37 Trees, Woodland and Hedgerows
- DP38 Biodiversity
- DP39 Sustainable Design and Construction
- DP41 Flood Risk and Drainage

Site Allocations Development Plan Document

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

There are no policies deemed relevant to this application.

Neighbourhood Plan

Balcombe Neighbourhood Plan - made on 22 September 2016.

Relevant policies:

Policy 1: Built Up Area Boundary

Policy 3: Design

Other Material Considerations

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

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

Relevant policies:

DPS2 Sustainable Design and Construction

DPS4 Flood Risk and Drainage

DPN2 Biodiversity Net Gain

DPN4 Trees, Woodland and Hedgerows

DPN8 Light impacts and Dark Skies

DPC1 Protection and Enhancement of the Countryside

DPC3 New Homes in the Countryside

DPC4 High Weald AONB

DPB1 Character and Design

DPB2 Listed Buildings and Other Heritage Assets

DPT4 Parking and EV charging infrastructure

DPT2 Rights of Way and Other Recreational Routes

DPS6 Health and Wellbeing

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024

The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

High Weald National Landscape - Technical Advice Note: Dark Skies Planning Advice Note - July 2024

National Policy and Legislation

National Planning Policy Framework (NPPF) (December 2024)

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

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

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

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

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

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

National Design Guide

Technical Housing Standards: Nationally Described Space Standard (March 2015)

ASSESSMENT

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

- The Principle of Development
- Design and AONB
- Impact upon the Listed Building
- Impact on residential amenities
- Highways, access and parking
- Impact upon trees
- Drainage
- HRA Assessment
- Ecology
- Biodiversity Net Gain

The Principle of Development

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

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

The site also lies in the designated High Weald AONB.

Policy DP12 of the District Plan 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.

Policy DP6 of the District Plan 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.'

The proposed residential development does not meet any of these criteria.

Policy DP15 of the District Plan 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

The relevant part of this policy states:

'The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed agricultural building which has not been or has been little used for its original purpose and:

- *the re-use would secure the future of a heritage asset; or*
- *the re-use would lead to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.'*

The proposed residential development does meet one of these criteria.

Policy 1 of the Balcombe Neighbourhood Plan is also relevant in the determination of this application. This states:

'The Neighbourhood Plan defines the Balcombe Built Up Area Boundary on the Policies Map shown on page 22. Sustainable development proposals located inside the Built Up Area Boundary will be supported, provided they accord with planning policy, the other provisions of the Neighbourhood Plan and the Mid Sussex development plan. Development proposals outside of the Built Up Area Boundary will be required to conform to development plan policies in respect of the control of development in the countryside.'

The policy guidance contained at paragraph 187 in Chapter 15 of the NPPF, which is entitled: 'Conserving and enhancing the natural environment' states that *'Planning policies and decisions should contribute to and enhance the natural and local environment'*.

The proposed conversion of the equestrian buildings to create a single new dwelling would secure the preservation and allow the future use of a heritage asset, taking into account the advice of the Conservation Officer. She considers the building to be of significance as a Non Designated Heritage Asset, and believes that the proposal will preserve the significance of the NDHA.

Policy DP15 also requires consideration whether the re-use of the buildings for residential use would lead to an enhancement of the immediate setting and whether the quality of the rural and landscape character of the area would be maintained.

It is considered that the proposed works to convert the buildings and the introduction of vernacular external construction materials on the building to bring it into a habitable condition, will enhance the overall building. The proposed conversion will maintaining the overall scale of the building and enhance its appearance in the rural setting. The immediate curtilage of the building will be visually improved. It is considered appropriate that the curtilage is limited to the yard at the front and the area immediately around the building to contain the residential use and future visual impact from domestic paraphernalia.

The proposal will therefore accord with District Plan Policies DP12 and DP15, Policy 1 of the Balcombe Neighbourhood Plan and the aims of the NPPF with regards to the conservation and protection of the natural environment.

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

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

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

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

'For decision-taking this means;

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

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

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

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

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

designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

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

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

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

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

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

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.

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.

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

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

Design and AONB

As the proposed development is located within the countryside Policy DP12 of the District Plan is relevant. The principal aim of Policy DP12 of the District Plan states the: '*countryside will be protected in recognition of its intrinsic character and beauty.*' The supporting text sets out the following:

'The primary objective of the District Plan with respect to the countryside is to secure its protection by minimising the amount of land taken for development and preventing development that does not need to be there. At the same time, it seeks to enhance the countryside, support the rural economy by accommodating well designed, appropriate new forms of development and changes in land use where a countryside location is required and where it does not adversely affect the rural environment. It is

therefore necessary that all development in the countryside, defined as the area outside of built up area boundaries, must seek to maintain or enhance the intrinsic beauty and tranquillity of the countryside.'

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs'*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.'

Policy DP16 of the District Plan refers to development in the High Weald AONB and states:

'Development within the High Weald AONB ..will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan....'

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

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

Policy DP26 of the District Plan is relevant in the determination of this application. Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. The wording of Policy DP26 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.'*

Policy 3 of the Balcombe Neighbourhood Plan states:

'The scale, density, massing, height, landscape design, layout and materials of all development proposals, including alterations to existing buildings, will be required to reflect the architectural and historic character and scale of the surrounding buildings and to avoid any significant detrimental effect on the landscape and natural beauty of the High Weald AONB and the significance and character or appearance of the Balcombe Conservation Area, where a building will command a view. Unless otherwise proposed in Policy 2, development proposals will be expected to demonstrate they accord with the provisions of the Balcombe Village Design Guide and with the following principles:

- i. approximately 75% of the total number of dwellings of the scheme, and especially the affordable homes, are no larger than 3 bedroom dwellings with a proportion suited to occupation by households of retirement age;*
- ii. approximately 25% of the total number of dwellings of the scheme to comprise dwellings of no more than 4 bedrooms;*
- iii. they comply with affordable housing requirements of the Mid Sussex development plan;*
- iv. new and improved utility infrastructure will be encouraged and supported in order to meet the identified needs of the community; and*
- v. new residential and commercial development will be permitted where there is sufficient infrastructure capacity currently available or where the necessary capacity can be provided to an agreed timetable.*

Proposals that involve the change of use of listed buildings within the settlement boundary for housing as 1, 2 or 3 bedroom units, including buildings judged to make a positive contribution to the special historic or architectural interest or character and appearance of the conservation area, will be supported provided it can be demonstrated they will sustain the significance of these heritage assets.

Also relevant in the determination of the application is the design guidance contained in the Mid Sussex Design Guide, which seeks good design in residential development.'

Chapter 10 of the Mid Sussex Design Guide sets out design principles for building conversions. Design Principle DG53 of the adopted Mid Sussex Design Guide refers in particular to conversions of traditional buildings with heritage value. It states:

'Conversion to residential use may seek compromises in terms of the layout and the provision of natural light into all habitable rooms, that could detract from the original architecture. The introduction of conspicuous domestic features such as chimneys, satellite dishes, aerials, porches and additional window or door openings are often out of character with the original building and, wherever possible, such features may need to be avoided.'

It is considered that the proposed conversion scheme is of a sympathetic design that is appropriate to the AONB and the rural setting of the stable and will not harmfully impact upon the public views of the site from London Road.

The proposed development is therefore acceptable in design terms and will accord with District Plan Policies DP12, DP16 and DP26, the aims of Policy 3 of the Balcombe Neighbourhood Plan, the principles of the Design Guide and the relevant provisions of the NPPF and can be supported.

Impact upon the Listed Building

Kings Farmhouse is a Grade II Listed Building, which is located some 450m north of the stables that are the subject of this application. The Conservation Officer finds that the stable yard possesses some historical interest in the local context, and regards it as a non designated heritage asset with group value with Kings Farmhouse. It is considered that the conversion proposal will contribute to this special interest.

The Council, as the Local Planning Authority, has a statutory duty to have special regard to the desirability of preserving heritage assets. Listed Buildings and their settings are afforded special protection under the planning regime by virtue of Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA); paragraphs 200-214 of the NPPF and Policy DP34 of the District Plan.

District Plan Policy DP34 is relevant in the determination of this application. It states:

'DP34: Listed Buildings and Other Heritage Assets

Listed Buildings

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; o 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; o 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.'

Detailed comments have been provided by the Conservation Officer and during the course of determining the application a more detailed heritage statement has been submitted. Her view is that the proposal will preserve the special interest of the NDHA, and subject to planning conditions the details of the works can be appropriately controlled to preserve the character and appearance of the stable yard. She believes that the proposed alterations to the buildings are fairly extensive, but generally sympathetic to the agricultural character of the yard. This view is accepted.

A structural report has been submitted with the application to confirm that the buildings are capable of conversion.

The proposal is therefore found to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

Impact on residential amenities

District Plan Policy DP26 requires that 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.'*

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

There are no immediate neighbouring properties to the site. It is deemed that no significant harm will be caused by the proposed development to the amenities of the nearest residents.

The proposal accords with the requirements of Policy DP26 of the District Plan and the relevant principles of the Design Guide.

Impact upon trees

District Plan Policy DP37 is relevant in the determination of the proposed impact of the development upon the trees growing on and surrounding the site. This states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

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.'

The tree protection measures submitted with the application has been supplemented by additional information to address the concerns raised by the Tree Officer in respect of the impact of the development upon trees growing on the site frontage.

It is considered that provided the works are carried out to accord with the submitted Trees (and Drainage Details) the trees growing along the site frontage will be appropriately protected. The application is therefore recommended for approval, subject to the imposition of a planning condition to require the development to accord with these measures. With this condition in place the proposed development works will accord with the aims of District Plan Policy DP37.

Drainage

The proposal does not impact upon any identified Surface Water Flood Zones or Flood Zones. The Drainage Engineers have commented on the proposed surface and foul water drainage proposals for the new dwelling and have raised no objections to this proposal, subject to the imposition of a pre commencement planning condition to require drainage details to be submitted to the LPA for prior approval. With this condition in place it is considered that the proposal will accord with the aims of District Plan Policy DP41.

HRA Assessment

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

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

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

Recreational disturbance

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

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

The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of

Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

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

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Biodiversity Net Gain

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

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Balcombe Neighbourhood Plan.

Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP4, DP6, DP12 and DP15 of the District Plan.

As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.

In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome the proposal's conflict with the development plan.

There are no other material considerations that would alter the above planning balance.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP12, DP15, DP16, DP17, DP21, DP26, DP27, DP29, DP34, DP37, DP38, DP39 and DP41 and Neighbourhood Plan Policies 1 and 3.

The proposed stable conversion will not create a harmful impact upon the rural setting of the property or the wider landscape of the AONB. The proposal will therefore accord with District Plan Policy DP12 and the aims of the NPPF with regards to the conservation and protection of the natural environment.

The proposed development is therefore acceptable in design terms and will accord with District Plan Policy DP26, the principles of the Design Guide and the relevant provisions of the NPPF and can be supported.

The proposal will preserve the special interest of the NHDA on this site, and the character and appearance of the former out farm. The proposal if therefore found to meet the requirements of District Plan Policy DP34 and the relevant paragraphs of the NPPF.

It is deemed that no significant harm will be caused by the proposed development to the amenities of the immediate residents. The proposal accords with the requirements of Policy DP26 of the District Plan and the relevant principles of the Design Guide.

The application is recommended for approval, subject to a planning condition to ensure that trees growing on the site frontage are appropriately protected during the course of the development. With this condition in place the proposed development works will accord with the aims of District Plan Policy DP37.

Consequently this application is recommended for approval.

Decision: Permission

Case Officer: Anna Tidey