

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3012	Case Officer:	Catherine Cardin
Application Type:	Householder Application		
Proposal:	Proposed creation of a wildlife pond in the rear garden		
Site:	Durstons, Lodge Lane, Bolney, Haywards Heath, West Sussex, RH17 5RR, ,		
Validation Date	17 Dec 2025	Overall Expiry Date:	13 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	27 Jan 2026
Target Date:	11 Feb 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	29 Jan 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3012

**Durstons, Lodge Lane, Bolney, Haywards Heath, West Sussex, RH17 5RR,
Proposed creation of a wildlife pond in the rear garden
Mr Neil Murphy**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

MSDC Heritage Officer

No objection.

MSDC Flood risk and drainage

No objection.

MSDC Tree Officer

No objection.

Southern Water

No objection.

PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

The application seeks planning permission to construct a pond in the rear garden of Durstons, Lodge Lane, Bolney, Haywards Heath, RH17 5RR.

RELEVANT PLANNING HISTORY

11/01183/LBC- Replacement of a window with sliding folding doors. Permission.

12/01657/FUL- Demolition of outbuildings and replacement of garage. Permission.

DM/16/5377: Dwelling with detached garage (Amended Plans received 31st August 2017).
PERMISSION.

DM/20/0956: Discharge of conditions 3, 4, 6, 7, 9, 11, 12 relating to planning application DM/16/5377.
PERMISSION

DM/20/0867- Variation of Condition 1 of planning application DM/16/5377 - to replace approved plans allowing for minor changes to elevations and floor plans. Permission.

DM/21/4185- Variation of Condition 1 relating to planning reference DM/20/0867 to allow amended site plan for the re-site of the driveway. Permission.

DM/25/1606- Demolition of outbuildings, replacement garage, sauna, greenhouse, gazebo, gravel driveway and paths. Withdrawn.

DM/25/1605- Demolition of outbuildings, replacement garage, sauna, greenhouse, gazebo, gravel driveway and paths. Permission.

SITE AND SURROUNDINGS

Durstons is a Grade II Listed 17th century or earlier detached two storey dwelling. The property is a part tile-hung, part weather-boarded, timber framed building with painted brick infill. The site is located to the south of Lodge Lane, with the Grade II Listed Building Tanglewood to the east.

The application site is located outside the built-up area boundary of Bolney. The property is located in a semi-rural position on the western edge of Bolney. A neighbouring property is located to the east. Highway is located to the north.

APPLICATION DETAILS

The proposed works involve the creation of a naturalistic wildlife pond measuring approximately 12 metres in length and some 9 metres in width, with a maximum depth of approximately 1.2 metres. The pond would be located within the southern end of the existing rear garden, at a distance of some 25 metres south from the application property.

The pond would be broadly oval shaped, with varying level shelves between 40-60 cms or less. Plans show that the pond would be lined with a high-quality EPDM liner, laid over a protective geotextile underlay and blinding layer of building sand. The liner would be concealed with turf, stone, or planting.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

Mid Sussex District Plan

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

Relevant policies:

DP12 - Protection and Enhancement of the Countryside
DP26 - Character and Design
DP34 - Listed Buildings and Other Heritage Assets
DP37 - Trees, Woodlands and Hedgerows
DP38 - Biodiversity
DP41 - Flood risk and Drainage

Site Allocations DPD

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

Relevant policies:

No relevant policies

Neighbourhood Plan

Bolney Neighbourhood Plan was made in 2016.

Relevant policies:

BOLE1 - Protect and Enhance Biodiversity
BOLE2 - Protect and Enhance the Countryside

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:

DPB1 - Character and Design
DPB2 - Listed Buildings and Other Heritage Assets
DPN4 - Trees, Woodlands and Hedgerows
DPS2 - Sustainable Design and Construction
DPS4 - Flood Risk and Drainage

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

ASSESSMENT

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

- Impact on Heritage Assets and Character and Appearance
- Neighbouring Amenities
- Flood Risk and Drainage
- Impact on Trees
- Biodiversity
- Biodiversity Net Gain

Impact on Heritage Assets and Character and Appearance

The proposal affects the setting of Durstons, a Grade II listed dwelling.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 'In considering whether to grant planning permission (or permission in principle) 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.'

Policy DP34 of the District Plan relates to listed buildings and their settings and requires all proposals to demonstrate a thorough understanding of the listed building and its setting which is proportionate to the importance of the building and the potential impact of the proposal.

Policy DP12 sets out, 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, in addition to meeting other expectation requirements.

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside, as well as addressing the character and scale of the surrounding buildings and landscape. In part, the policy requires proposals to be of a high-quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.

A similar ethos is found within Policy BOLD1 of the Neighbourhood Plan and within the Mid Sussex Design Guide SPD.

BOLE2 of the Bolney Neighbourhood Plan relates to protecting and enhancing the countryside and requires that all development outside of the built-up area boundary must demonstrate that it would not have an unacceptable impact on the landscape and demonstrate how they have addressed the requirement of BOLD1 of the Neighbourhood Plan.

Paragraphs 212 - 215 of the NPPF states:

'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.*

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.'

The proposed wildlife pond has been designed to be natural in its appearance, and would be edged by turf, planting and stone. It is considered that the development would create a water feature that enhances the setting of the listed building, while blending sensitively with the existing garden and wider landscape. The MSDC Conservation Officer was consulted on the application and has provided a response. They have concluded that the proposal is not considered to detract from the rural character of the setting of the listed building and that the proposed wildlife pond has the potential to enhance it. These views are shared and agreed upon from a planning perspective.

The proposal is therefore considered to accord with policy DP26, DP34, Policy BOLD1 and BOLD2 of the Neighbourhood Plan and relevant paragraphs of the NPPF.

Neighbouring Amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states proposals should *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*.

To the east is Meadow House. The proposal would be located some 35 m from this neighbour. Given the modest nature of the proposal, it is not considered that the development would be harmful to the amenities of this neighbour. Due to the domestic nature of the proposed development, it is considered that there would not be a harmful impact in terms of noise, air and light pollution. The proposal is therefore not considered to cause significant harm to the amenities of neighbouring properties and would thereby comply with the relevant criteria of policy DP26 of the District Plan.

Flood Risk and Drainage

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

'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.

The application site is at low and medium risk of surface water flooding. MSDC Flood risk and drainage were consulted on the application and have provided a response. They have not raised an objection to the proposal. The proposal is therefore considered to comply with the relevant criteria policy DP41 of the District Plan.

Impact on Trees

Policy DP37 of the District Plan states in part that 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.'*

There are four trees within proximity of the development. The MSDC Tree Officer was consulted on the application and has provided a response. No objection has been raised provided that a condition is included to secure the submitted Arboricultural Impact Assessment, Arboricultural Method Statement and the Tree Protection Plan. This can be secured by a suitably worded condition. The proposal is therefore considered to comply with the relevant criteria policy DP37 of the District Plan.

Biodiversity

Policy DP38 of the District Plan relates to Biodiversity and in part states that:

'Biodiversity will be protected and enhanced by ensuring development:

Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments;

A similar ethos is contained within Policy BOLE1 of the Bolney Neighbourhood Plan.

The proposed pond would have varying levels of shelves between 40-60cms. It is considered that this would create planting depths suitable for a range of native aquatic plants. These plants would therefore encourage biodiversity by providing a habitat for insects, amphibians and birds. The proposal is therefore considered to comply with the relevant criteria of policy DP38 of the District Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As a householder application this development is exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

The proposal is considered to be acceptable in terms of design, size and scale to the dwellinghouse and locality, would not cause harm to the amenities of neighbouring properties and would preserve the settings of the nearby listed buildings.

In conclusion, the proposal would accord with the requirements of policy DP12, DP26, DP34, DP37, DP38 and DP41 of the Mid Sussex District Plan. It is therefore considered acceptable.

Decision: Permission

Case Officer: Catherine Cardin