

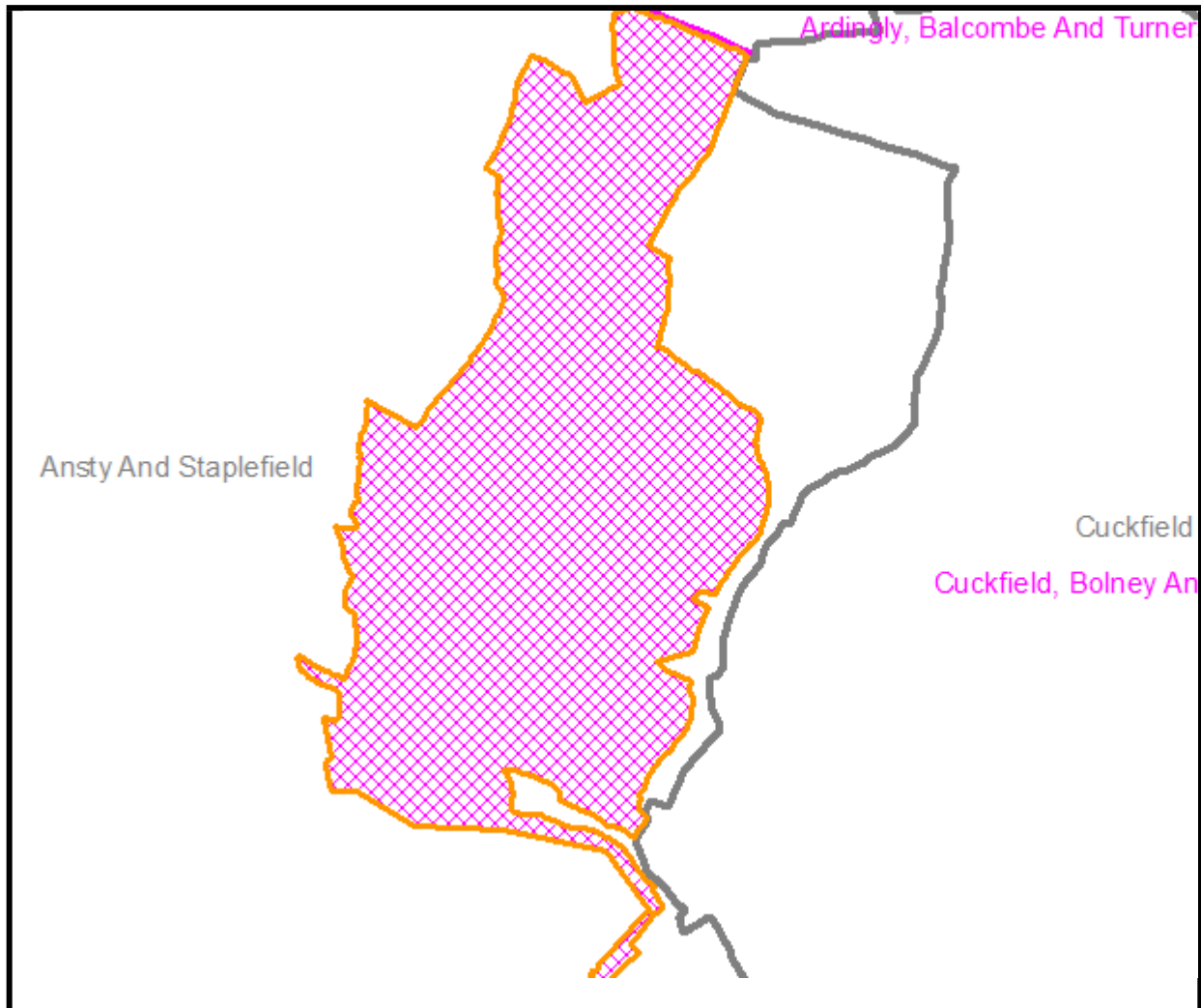
District Planning Committee



Recommended for Permission

16th October 2025

DM/23/2867



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Site:	Land East Of Ansty Way Cuckfield Bypass Cuckfield West Sussex
Proposal:	Change of use of farmland and woodland to parkland reserve to include public access and instigation of long-term management and rewilding regime, including establishment of pedestrian and cycle tracks, with new pedestrian and cycle access points off Cuckfield Road to the south and Staplefield Road to the north. Proposals to include the addition of two wooden viewing platforms and two hides. Sports pitches at Beech Farm Field to remain in sports use. (Additional information and amended plans received 27th May 2025).
Applicant:	Fairfax Acquisitions Limited And The Norris Family

Category:	Largescale Major Other
Target Date:	17th October 2025
Parish:	Cuckfield
Ward Members:	Cllr Malcolm Avery / Cllr Jim Knight /
Case Officer:	Stephen Ashdown

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S3PMPQKT0D200>

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 Planning permission is being sought for the creation of a parkland reserve on land to north of Ansty, west of Cuckfield. A significant proportion of the proposed land use proposals involve different land management arrangements to that which exists; however, planning permission is required as operational development development is involved, including the creation of pedestrian routes.
- 2.2 It is stated that the proposal would come forward in conjunction with the residential development of land to north and east of Ansty, which is considered elsewhere on the agenda under application reference DM/23/2866. Notwithstanding this, this is a separate application and falls to be determined on its own merits.
- 2.3 Planning legislation requires the application to determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and Ansty and Staplefield Neighbourhood Plan (ASNP) and the Cuckfield Neighbourhood Plan (CNP).
- 2.4 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 with the Development Plan.
- 2.5 The site is located outside the built-up area of Cuckfield but the proposed use, which is considered to be a leisure/cultural facility, is supported policy DP24 of the Mid Sussex District Plan and as such the principle of the proposal is acceptable.
- 2.6 The site falls wholly with the High Weald AONB (also known as the High Weald National Landscape), where the Council are under a duty (in exercising or performing any functions) to seek to further the purpose of conserving and enhancing the natural beauty of the AONB. During the course of the application the

scheme has been amended to remove a potentially harmful cycle link and the remaining proposals, in physical terms are extremely minimal. It is acknowledged that the High Weald National Landscape Unit have raised an objection to the scheme, however, the proposed land use management elements, as public open space and ecological enhancements areas (BNG), do normally require planning permission, notwithstanding this the use of conditions can address those matters which are of specific concern to them. It is considered that overall, the proposal complies with the High Weald AONB Management (when read as a whole), policy DP16 of the Mid Sussex District Plan, policy AS3 of Ansty and Staplefield Neighbourhood Plan, policy CNP5 of the Cuckfield Neighbourhood Plan and relevant sections of the NPPF. Furthermore, it is considered that the Council have meet its legal duties in respect of the AONB.

- 2.7 There are a number of designated heritage assets, as well as one non-designated heritage asset, within the vicinity of the site. It is considered that the proposal would protect the setting of the identified assets, meaning that their significance is preserved. The application complies with policies DP34 and DP35 of the Mid Sussex District Plan and the relevant parts of the NPPF in this respect.
- 2.8 The proposals will conserve and enhance protected and priority species within and around the site, with appropriate mitigation secured through conditions. A BNG gain of 18.04% on the site is proposed and again will be secured through a condition. The application complies with policy DP38 of the Mid Sussex District Plan and policy CNP4 of the Cuckfield Neighbourhood Plan in this regard.
- 2.9 It is not considered that the proposals would give rise to any significant harm to existing residential amenities by means of noise and disturbance or loss of privacy. Furthermore, it is not considered that the proposal would give rise to any highway network or safety issues, nor result in increased flood risk or drainage issues.
- 2.10 Future management arrangements for the ecologically restricted areas of the site are for the applicant. Officers have expressed interest in seeking a transfer of the proposed publicly accessible areas at the northern end of the site, as an extension to the Whitemans Green recreation area, to the Council (with a suitable commuted sum) and this will be sought through a s106 Legal Agreement.
- 2.11 Having regard for all the above matters, it is considered that the application complies with the Development Plan, when read as a whole, and that there are no other material considerations that indicate a decision should be made other than in accordance with the Development.
- 2.12 Subject to the imposition of suitable conditions, and a s106 Legal Agreement concerning management of the publicly accessible areas, the application is recommended for approval.

3.0 Recommendation

- 3.1 It is recommended that planning permission be granted subject to completion of a s106 Legal Agreement to secure suitable public access rights (and possible transfer of the northern part of the site to the Council with an appropriate commuted sum) and the suggested conditions in Appendix A.

4.0 Summary of Representations

4.1 A total of 228 letters of objection have been received making the following comments:

- The proposal would have a negative visual impact on adjacent designated heritage assets.
- Site already has a wealth of natural flora and fauna which will be lost by the proposals.
- It cannot be recreational resource, whilst limiting access for biodiversity enhancements.
- BNG should be provided on the development site in accordance with government guidelines.
- The destruction on one site cannot be compensated for on another, irrespective of common ownership.
- Rewilding proposals have been dismissed by experts as not serious.
- Proposed cycle paths will impact adjacent listed buildings.
- Cyclists would conflict with other bridleway users.
- People already have access to the land, so the proposal does not offer any additional benefit.
- Proposal is contrary to policy DP16 of the District Plan, as it fails to conserve or enhance the natural beauty of the AONB.
- Once land ceases to be used for agriculture, it is easier to develop.
- How is the river to be bridged to accommodate the proposed cycle path.
- No safety proposals to show how the cycle route will cross the bridleway
- Lack of compliance to and consideration of inclusivity as equestrian use not considered.
- Not clear if lighting is proposed for the cycle path of sport pitches. Both would be contrary to the aims of the AONB.
- A cycle path is proposed through ancient woodland.
- Increase in visitor numbers (as envisaged) would increase noise and disturbance in this sensitive area.
- Proposed fencing would hinder existing wildlife and be visually intrusive.
- Contradictory evidence provided by the applicant, making intentions unclear regarding the park and proposed use/management.
- Main purpose of the proposal is to be deliver BNG off-set for the development, not recreational benefits.
- Proposal not credible.
- Proposed viewing hides appear too small to serve any meaningful purpose.
- The proposed finance and management arrangements are opaque.
- Contradictions on the flood risk assessment for the and little evidence has been provided to back-up the statements being made.
- Tranquillity of the site will be destroyed.
- Proposed car park at northern end of the site has not made provision for horse boxes and trailers.
- A Pegasus crossing should be used across the A272, not a Toucan crossing, as it would allow for horse riders. This is a highway safety issue.
- The viewing platforms would intrude on into the privacy/heritage/security of the adjacent heritage assets in Cuckfield Park.

4.2 Comments include:

- CPRE
- Balcombe Parish Council
- British Horse Society
- Mid Sussex Bridleway Action Group
- Stop Cuckstye Action Group (SCAG)

5.0 Summary of Consultees

5.1 A summary of the consultee final position can be found below, and their comments can be found in full on the public planning file.

MSDC Conservation Officer

Consider the application is contrary to policies DP34 and DP35 as harm has been identified to a number of designated and non-designated heritage assets.

In NPPF terms, the identified harm in all cases is less than substantial, and at lower end of that scale. In assessing the application, consideration needs to be given to para's 215 and 216 of the NPPF.

MSDC Tree Officer

No objection on arboricultural grounds.

MSDC Drainage

Due to the scale of development, a site/development specific flood risk assessment should be submitted in support of the application.

We would advise that this assessment should utilise current guidance in relation to sequential testing (surface water flood risk considered the same as flood zones) and consider the exception test requirements for water compatible development at flood risk. The assessment should also show that safe access and egress onto and around the site can be achieved during the design flood (1:100+climate change for both fluvial and pluvial events).

MSDC Ecology Consultant

No objection. The submitted information provides certainty of the likely impacts on designated sites, protected and priority species and habitats, and with appropriate mitigation secured, the development is acceptable. It is recommend that a Biodiversity Net Gain Plan is secured prior to commencement.

MSDC Archaeology Consultant

No objection, subject to conditions. They are satisfied that there is sufficient ecological information available to support the determination of the application and conclude, that with appropriate conditions, protected and priority species and habitats will be conserved.

The proposal is not subject to mandatory BNG, but sufficient information has been provided at this stage, via the Statutory Biodiversity metric to enable a decision to be made. A condition can secure that a measurable biodiversity net gain can be achieved for the site.

MSDC Visual Landscape Consultant

No objection, in isolation the proposals within the Parkland Reserve are not unacceptable from a landscape and visual impact perspective.

WSCC Highways

No objection is raised should the application be considered in parallel with DM/23/2866.

Should the application be considered in isolation then further information / amendments on the southern connectivity is required.

WSCC Minerals and Waste Planning

No objection

High Weald National Landscape Unit

Objection, the proposals generally are an unsatisfactory response to the land management approaches set out in the High Weald AONB Management Plan, particularly the cycle paths in the woodland, the rewilding (specially the introduction of deer), erection of deer fencing and use of the derelict budling on site as an 'education hub'.

The proposal would be contrary to objectives W2, FH1, FH3 and LBE1 of the High Weald AONB Management Plan and as such would fail to conserve and enhance the natural beauty of the High Weald National Landscape, contrary to paragraph 189 of the NPPF.

Natural England

No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory protected nature conservation sites or landscapes.

Historic England

No advice offered.

Nature Space (Great Crested Newts)

The proposed development is unlikely to have an impact on great crested newts and/or their habitats. However, as the development is within the red Impact Risk Zone, as modelled by district licence mapping, an informative is recommended.

6.0 Ansty and Staplefield Parish Council and Cuckfield Parish Council (joint submissions)

- 6.1 Set out below is a summary of the Parish Councils objection to the application. Their full comments can be found on the planning file.
- 6.2 Cuckfield Parish Council and Ansty & Staplefield Parish Council, both OBJECT to this application on the following grounds:
1. The applicant has indicated that they have no intention of implementing this proposal unless permission is also given for the residential development which is the subject of application DM/23/2866.

We believe that two separate applications have only been made to avoid the red line boundary of what should properly have been a single application for major residential development being partly within the High Weald National Landscape (Area of Outstanding National Beauty).

2. There would be no benefit to the local community from the proposal to create a parkland reserve. Public access is already available via the public rights of way network and there is no evidence of any local need to increase that access. Any trespass that currently takes place is either trivial and irrelevant or easily dealt with by the landowner and does not need to be regularised. The extent of public access is also overstated.
3. The submitted details of how the maintenance and management of the site would be undertaken and funded in the long term are not considered sound.
4. The proposals would involve highly speculative impacts on existing biodiversity which are inherently unpredictable given the proposed changes to public access.

This application is unacceptable in its own terms and because its sole purpose is to facilitate unacceptable development on adjoining land under the control of the applicant. It should therefore be refused.

7.0 Introduction

- 7.1 Planning permission is being sought for the creation of a parkland reserve on land to north of Ansty, west of Cuckfield. A significant proportion of the proposed land use proposals involve different land management arrangements to that which exists; however, planning permission is required as operational development is involved, including the creation of pedestrian routes.
- 7.2 It is stated that the proposal would come forward in conjunction with the residential development of land to north and east of Ansty, which is considered elsewhere on the agenda under application reference DM/23/2866. Notwithstanding this, this is a separate application and falls to be determined on its own merits.

8.0 Relevant Planning History

- 8.1 None

9.0 Site and Surroundings

- 9.1 The site comprises approximately 103ha of land made of a mix of fields and woodlands, as well as existing sports pitches at Beech Farm Field at the northern end of the site where it adjoins Staplefield Road.

- 9.2 The site lies to the south and west of Cuckfield, and to north of the Ansty, and is not located within settlement boundary. The site therefore lies with the countryside, as defined by the Mid Sussex District Plan and lies wholly with the High Weald National Landscape (formally Area of Outstanding Natural Beauty).
- 9.3 There is a PRow that runs east-west across the central part of the site (footpath 58CR), as well as footpath CR49 that crosses the northeastern corner of the site, to the south of the existing playing fields. In addition, there is a bridlepath, 59CR, that connects the southern part of the site with the A272.
- 9.4 The topography gently undulates across the site, with the general trend sloping downhill from north to south. The site is generally bounded by trees and hedgerows. Within the southern part of the site, and along part of site's western boundary there are sections of ancient woodland (Walks Wood). There are also two small sections of ancient woodland to the south of the site, Oldmill Shaw and Highbridge Mill, the latter has parts of bridleway 59CR running through it. To the northwest of the site, New England Wood is also designated ancient woodland, but this falls outside the boundary of the site.

10.0 Application Details

- 10.1 The application proposal consists of the creation of a 'Parkland Reserve' site which, as set out in the applicant's submissions, comprises the following;
- New 103ha Parkland Reserve
 - Enhancement of existing east-west PRow's
 - Installation of 2 new wooden viewing platforms and 2 hides
 - Formal creation of designated dog walking area
 - New walking routes within the site
 - Introduction of ecologically restricted zones for wildlife habitat support and significant biodiversity net gain
 - Pond restoration
 - Planting of native species hedgerows, broadleaved trees and wildflower meadow
- 10.2 The submitted masterplan shows that the existing playing fields at the northern end of the site remain as is, and the area to south of this (down as far as the small field to the southwest of Beech Farm Mill) provided for general public access and dog walking. The area to the south of this, which is made up of approximately 65.5ha, is identified as ecologically restricted, and will not have any public access.
- 10.3 The physical works to the site are limited, with minor upgrades to the two existing east-west PRow's, the creation of new walking routes within the site and general improvements to provide greater public accessibility.
- 10.4 The submitted example of a proposed viewing platform shows a simple open timber structure approximately 5.2m wide and approximately 1.8m high (ground to top rail height). Similarly, the examples of the proposed hides, show simple wooden structure (size not specified).

- 10.5 No new vehicular access or parking areas are proposed; however, the northern part of the site does include an existing parking area (that serves the playing fields), which has access off Staplefield Road.
- 10.6 The application has been put forward to serve the local residents of Cuckfield/Ansty and the proposed residential development being considered under DM/23/2866, by providing enhanced accessibility open space and the countryside, while also providing biodiversity. It is not intended to attract visitors from outside the immediate area.
- 10.7 It is noted within the submissions that reference is made to conversion of an existing redundant barn on the site for use by wardens and possible education visit space however, these proposals are not contained within this application and do not form part of the decision that needs to be made. Similarly, reference is made to potential alternative revenue streams including a cafe and vending truck. Again, these do not form part of the application proposal before members.
- 10.8 Members should also note that due to concerns raised during the application process, the proposed cycle link north/south through the site has been removed from the scheme, so there is no direct connection between this proposed development and the residential development being considered under application DM/23/2866 (reported elsewhere on this agenda).

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 District Plan (MSDP), Sites Allocations Development Plan Document (SADPD), Ansty, Staplefield and Brook Street Neighbourhood Plan (ASNP) and the Cuckfield Neighbourhood Plan (CNP).
- 11.7 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)) 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 prior to mandatory biodiversity net gain coming into effect so this application is not 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:

DP12 Protecting and Enhancement of Countryside
DP21 Transport
DP22 Rights of Way and other Recreational Routes
DP24 Leisure and Cultural facilities and Activities
DP26 Character and Design
DP29 Noise, Air and Light Pollution
DP34 Listed Buildings and other Heritage Assets
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP41 Flood Risk and Drainage

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.

There are no relevant policies associated within this development.

11.13 **Ansty, Staplefield and Brook Street Neighbourhood Plan**

Policy AS2 Preventing Coalescence
Policy AS8 Improvement of Community Facilities
Policy AS14 Walking and Cycling Routes

Other Legislation

11.14 **Cuckfield Neighbourhood Plan**

Policy CNP4 Protect and Enhance Biodiversity

Other Legislation

- 11.15 Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

- 11.16 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 stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of 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.

- 11.17 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, which for decision making means approving development proposals that accord with an up-to-date development plan without delay.

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.

11.17 National Planning Policy Guidance

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;

- Principle of Development
- Impact on the High Weald AONB
- Impact on Heritage Assets
- Ecology
- Highways
- Impact on Residential Amenity
- Flood Risk and Drainage
- Future Management

Principle of Development

12.2 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.

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

12.4 Policy DP12 of the MSDP seeks to protect and enhance the countryside and states, in part, the following;

'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 maintain 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.'*

12.5 Policy DP24 of the MSDP deals with leisure and cultural facilities and activities and, in part, states;

‘Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.

- 12.6 The supporting text for the policy DP24 sets out a list of activities and facilities referred to in the policy, and this includes *‘open space, parks and nature conservation sites’*.
- 12.7 Furthermore, it is noted that the Leisure and Cultural Strategy for Mid Sussex referred to in the text of the policy covered the period of 2009-2020, so is dated. However, as part of the evidence base to the support the District Plan Review the Mid Sussex Play and Amenity Green Space Strategy (September 2019) has been published, which shows that the provision of amenity greenspace and parks and recreation grounds (in open space supply (ha) against the MSDC quantity standards) within the parishes of Ansty and Staplefield and Cuckfield is well above the general requirements for open space against recommended standards.
- 12.8 Having regard to the above, planning policies support the provision of open space, parks and nature conservation sites, and the proposal contained within this application falls into these supported uses. Notwithstanding the fact the general provision of open space with the area is already good, policy DP24 does seek to restrict provision of new facilities in such circumstances and as such the principle of development for the proposals is acceptable.
- 12.9 While the principle of development is acceptable, the remainder of the report will assess the details of the proposals, in relation to all relevant matters, against Development Plan policies and any other material considerations.

Impact on High Weald AONB (National Landscape)

- 12.10 The site is located within the High Weald National Landscape. The statutory designation of the High Weald National Landscape remains an Area of Outstanding Natural Beauty (AONB). As set out in section 82 of the Countryside and Rights of Way Act 2000, the primary purpose of the AONB designation is to conserve and enhance the natural beauty of the area. The Countryside and Rights of Way Act 2000 further sets out the legal framework for AONBs.
- 12.11 Section 85 of the Countryside and Rights of Way Act 2000 (as amended by the Levelling-up and Regeneration Act 2023) places a statutory duty on all relevant authorities, including a local planning authority such as Mid Sussex District Council, that in *‘exercising or performing any functions in relation to, or so as to affect, land in an AONB, they must seek to further the purpose of conserving and enhancing the natural beauty of the AONB’*. This includes land both within the landscape designation and within its setting.
- 12.12 Section 84(4) of the Countryside and Rights of Way Act 2000 confirms the powers of local planning authorities to *‘take all such action as appears to them expedient for the accomplishment of the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty’*.
- 12.13 Section 89 of the Countryside and Rights of Way Act 2000 requires local authorities to *‘prepare and publish a plan which formulates their policy for the management of the area of outstanding natural beauty and for the carrying out of their functions in relation to it’*. The High Weald AONB Management Plan has been adopted by Mid

Sussex District Council, and it is a material consideration in the planning process including decisions on planning applications.

12.14 Policy DP16 of the MSDP is relevant, and states;

'Development within the High Weald Area of Outstanding Natural Beauty (AONB, as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components or natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage.*

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

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

12.15 Policy AS3 of the ASN, also relates to the AONB and states;

'Development proposals within the High Weald Area of Outstanding Natural Beauty in the neighbourhood plan area (as shown on the Proposals Map) must demonstrate how they address the requirements of the NPPF, policies of the Mid Sussex Local Plan 2004 or the District Plan once it is adopted;

- *conserve and enhance the natural beauty of the AONB area; and*
- *demonstrate how they meet the objectives of the High Weald AONB Management Plan; and*
- *for major development, proposals must include an assessment of:*
 - a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - b) the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

12.16 Policy CNP5 of the CNP seeks to protect and enhance the countryside and states;

Outside of the Built-up Area Boundary, priority will be given to protecting and enhancing the countryside from inappropriate development. A proposal for development will only be permitted where:

- a) It is allocated for development in Policy CNP 6 (a) and (b) or would be in accordance with Policies CNP 10, CNP 14 and CNP 17 in the Neighbourhood Plan or other relevant planning policies applying to the area, and
- b) It would not have a detrimental impact on, and would enhance, areas identified in the Cuckfield Landscape Character Assessment (summarised in Table 1) as having major or substantial landscape value or sensitivity, and
- c) It would not have an adverse impact on the landscape setting of Cuckfield and
- d) It would maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built-up area, in particular those defined on Map 5, and
- e) Within the High Weald Area of Outstanding Natural Beauty it would conserve and enhance landscape and scenic beauty and would have regard to the High Weald AONB Management Plan.

12.17 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 and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

12.18 Paragraph 190 of the NPPF states:

When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'*

12.19 A further material consideration is the High Weald Management Plan (2024-2029), which sets out the management policy for the conservation and enhancement of the HWAONB. The Plan contains a number of objectives that are relevant to the proposal, and these are;

- R1: To maintain the historic pattern, morphology and features of routeways.
- W2: To protect and restore the ecological quality and functioning of woodland at a landscape level.
- FH1: To secure agriculturally productive use of fields of the High Weald, especially for local markets, as part of sustainable land management.
- FH3: To protect and enhance the ecological function of field and heath as part of the complex mosaic of High Weald habitats.
- PQ3: To foster and promote equitable access and informal enjoyment of the High Weald landscape and integrated management of its resources for the enjoyment of natural beauty by all.
- LBE1: To improve returns from, and thereby increase entry and retention in, farming, forestry, horticulture and other land management activities that conserve and enhance natural beauty.

- 12.20 Prior to the consideration of the potential impact of the proposal on the AONB, it is first important to consider whether the proposal is 'major development'. If the application proposal is 'major development', then it would need to be determined in the context of para 190 of the NPPF (set out above). Conversely, if the development is not 'major', then para 189 of the NPPF provides the relevant context for determining the application.
- 12.21 Case law has established that the consideration of whether or not a development was 'major development' is a matter of planning judgement based on the local context for the specific case. Furthermore, the natural meaning of the word major in the English language is important, so therefore the dictionary definition which is "important, serious or significant" is relevant. The HWAONB Management Plan recommends that, in forming that judgement, specific consideration is given to the following;
- *'The potential of the proposal to have a significant adverse impact on the natural beauty for which the AONB is designated and defined, as set out in this Management Plan, for example, where the nature, scale and setting of the proposal could significantly harm any of the character components.'*
 - *'The potential for such adverse impact from cumulative development.'*
- 12.22 In considering whether the proposal has the potential to have a significant adverse impact on natural beauty within the AONB, this does not require an in-depth consideration of whether the proposal would have such an impact. A prima facie assessment of the potential for such impact, in light of the scale, character or nature of the proposed development is sufficient.
- 12.23 While the proposal is linked to the large-scale residential development at Ansty Farm, that site falls outside of the HWAONB and this application falls to be determined on its own merits. The amount of physical development proposed is extremely limited and other elements as the management of the land and the erection of fencing (below 2m in height) are generally not operation development that would require planning permission. Having regard to the scale, character and nature of the proposed development, it is not considered, notwithstanding the overall site size, that the proposal constitutes major development in the HWAONB, therefore paragraph 190 of the NPPF does not apply in this case.

- 12.24 In determining the proposal however, great weight does need to be given to conserving and enhancing the landscape and scenic beauty of the HWAONB, as required by paragraph 189 of the NPPF.
- 12.25 In landscape and visual amenity terms, the application has been considered by the Council's Visual Landscape Consultant who consider that the proposal would, in their judgement, not have a significant impact on the local landscape character. In visual amenity terms the Council's consultants consider given the low level and small-scale nature of the proposals any visual impact on the landscape would be minimal. Consequently, they have not raised an objection to the application.
- 12.26 The High Weald National Landscape Unit (HWNLU) have also commented on the application and raised an objection. They consider that the proposals are generally an unsatisfactory response to the land management approaches set out in the HWAONB Management Plan, specifically the disturbance of ancient woodland from proposed cycle paths, the 'rewilding' proposal (especially the introduction of deer), the erection of deer fencing and the re-use of a derelict building on site as an education hub. They consider that these elements are contrary to objectives W2, FH1, FH3 and LB1 of the HWAONB Management Plan.
- 12.27 The proposal no longer includes the cycle paths, which as original submitted did run through ancient woodland, and removed following concerns being raised. As made clear earlier in the report, the application does not include any works to re-use the existing derelict building on the site. As such, these concerns of the HWNLU have been addressed. In respect of the proposed 'rewilding', and specially the introduction of deer, this is a land management issue that falls outside the scope of planning. Notwithstanding this, as set out separately in the ecology/biodiversity section of the report, a Biodiversity Enhancement Strategy is intended to be secured by condition and this could address the matter of the introduction of deer. Furthermore, the proposed deer fencing, which would be 1.75m, would not normally require planning permission, however, these details can also be controlled by condition.
- 12.28 It is your Planning Officer's view that the proposed level of physical works is minimal and while the land use interventions can be controlled (to an extent) they could take place without the need of this application, which is a material consideration. While the concerns of the HWNLU are noted, it is your Planning Officer's view that the proposal would not have a detrimental impact on the visual character and appearance of the area, and for the reasons set out above it is considered that the application would accord with the HWAONB Management Plan (when read as a whole). As such it is considered that the proposal would conserve and enhance the natural beauty of the HWAONB.
- 12.29 Having regard for the above, it is considered that the application complies with policy DP16 of the MSDP, policy AS3 of the ASNP, policy CNP5 of the CNP, the HWAONB Management Plan and paragraph 189 of the NPPF

Impact on Heritage Assets

- 12.30 The LPA is under a duty by virtue of s.66(1) of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed building 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.'

- 12.31 Policy DP34 of the MSDP states, in relation to Listed Buildings and other heritage assets, the following;

'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;*
- *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.'

- 12.32 Section 16 of the NPPF is of particular relevance in relation to the application and the most relevant paragraphs are set out below ;

- '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 of 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.*
- 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 of the significance of a non-designated heritage asset should be taken into account in the determining an application. I 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.'*

12.33 Historic England were consulted on the application but have not offered advice in this instance and suggested that the views of the Council's specialist conservation advisor are sought. The Council's Conservation Officer has reviewed the proposals, and their comments form the basis of the assessment set out below, and can be viewed in full in appendix B.

12.34 Your Conservation Officer has identified a number of designated heritage assets in relatively proximity to the site, whose settings may be affected the proposals. These are as follows;

- Pondtail Cottage, Deaks Lane, Ansty – Grade II listed
- Cuckfield Park and Lodge – Grade II* listed
- Listed buildings to the west of South Street and Ockenden Lane, Cuckfield – Grade II listed.
- Ockenden Manor, Ockenden Lane, Cuckfield – Grade II* listed
- Old Beech Farm and barn, Staplefield Road, Cuckfield – Grade II listed
- Cuckfield Conservation Area

12.35 The significance of each of the above assets has been considered in turn by your Conservation Officer and this is set out in detail in their full comments, which can be found on the planning file. Your Planning Officer agrees with the identified significance of each asset.

12.36 Turning to the potential impact on these assets, your Conservation Officer considers that the while the application site *'would remain open and undeveloped (with the exception of minor built form (hides and platforms)), there would be some potential change to its character in terms of the visual impact of these structures, as well as new footpaths and cycleways, information boards and signage. There would also be a potential increase in noise and business arising from the anticipated intensification of use of the site, which might affect its current rural tranquillity'*.

12.37 It is within this context that your Conservation Officer has set out the following views:

Pondtail Cottage

'The Detailed Masterplan shows a new cycleway running in close proximity to the Pondtail Cottage, together with information boards. Although the Cottage is adjacent to Deaks Lane and an existing PROW, this may result in some minor visual intrusion into the existing rural setting of the listed building, as well as an increase in noise and activity.

Impact: Less than substantial harm (low).'

Cuckfield Park and Lodge

'The Detailed Masterplan shows the woodland within the site which is directly to the west of Cuckfield Park as zoned for 'informal access', which is presumed to mean that there would be free access to all areas of the woodland, with no requirement to stick to footpaths. A new footpath and proposed hide are also shown the south west.

Although I would consider it unlikely that the hide would be visible from the listed building or its parkland setting, the free access to the woodland opposite, and the new PROW may result in some increase and noise and activity within the tranquil rural setting to the west of the Park.

Impact: Less than substantial harm (low).'

Listed buildings to the west of South Street and Ockenden Lane, and Ockenden Manor, Ockenden Lane, Cuckfield.

'These buildings are at a short distance from the application site, across the valley, and there are likely to be views across the closest part of the site from the buildings and their immediate settings.

Although the site represents a substantial part of their wider rural setting, the Masterplan as submitted suggests that there will be little in the way of physical impact on the part of the landscape which is most prominent in the above-mentioned views. There may be some increase in activity from the proposed 'open access' use of the woodland, but in my opinion, this is unlikely to be perceptible from across the valley.'

Impact: Neutral.'

Old Beech Farm and barn, Staplefield Road, Cuckfield.

The application site is a short distance to the west of the historic farmstead. The part closest to the listed buildings is shown on the Masterplan as 'Dog walking-roam free access'. Given that there is no PROW currently running close to the farmstead, this potential intensification of the use of the woodland in question, with associated increase in noise and activity, may have some impact on the current relative tranquillity of the assets' rural setting.

Impact: Less than substantial harm (low).'

Cuckfield Conservation Area.

'The boundary of the Conservation Area is a short distance to the east of the application site- in closer proximity to it than the listed buildings to the west of South Street and Ockenden lane because of the inclusion of fields and other land beyond the buildings themselves, including the recreation ground. A PROW runs along the line of this boundary, interconnecting with others which run into the Area from the west, having passed through the site.

For these reasons the change of the use of the site is in my opinion likely to have some impact on the character of the setting of the Area, including the character of the approaches to it along the network of PROWs. In my opinion, the intensification

of use of the site, including the roam free area which would be located closest to the Conservation Area boundary, will have some impact on the rural tranquillity of this substantial part of the setting of the Area, affecting the traditional rural character of the context within which it is appreciated.

Impact: Less than substantial harm (low).

- 12.38 In addition to the above designated heritage assets, your Conservation Officer has also highlighted Old Mill Cottage, Cuckfield Road, Ansty (which sits to the south the site, as a Non-Designated Heritage Asset (NDHA). Again, the significance of this asset is set out in their full comments available in appendix B.

- 12.39 Turning to the potential impact on the proposals on this NDHA, your Conservation Officer has stated;

Old Mill Cottage is largely surrounded by the site. The Detailed Masterplan shows construction of a new hoggin cycle path running east-west to the south of the Cottage, as well as a new footpath running east-west to the north, providing access to a hide in the woodland to the north-east, and associated information boards.

Although there is an existing PROW running past the Cottage, the above works would be likely to result in a noticeable increase in noise and activity within the setting of the NDHA, as well as some potential visual intrusion, which would potentially adversely affect its current tranquil rural character.

Impact: A low level of harm to an NDHA of a mid-high level of interest in the local context.'

- 12.40 Your Conservation Officer considers that the proposal conflicts with policies DP34 and DP35 of the MSDP and that the identified harm needs to be considered in the context of the relevant balancing exercises required in paragraph 215 (designated heritage assets) and 216 (NDHA) of the NPPF.
- 12.41 The applicants have submitted a Built Heritage Statement to support their proposals and many of the assets identified do not directly to setting of the proposed application, they instead are more affiliated with the residential scheme being considered under DM/23/2866, nevertheless it does include assessments of Pondtail Cottage, Cuckfield Park and Lodge and Old Beech Farmhouse and barn.
- 12.42 The applicant's submission consider that the proposals will not harm the setting of the designated heritage assets and go further by concluding the envisioned restoration of the parkland would more closely relate historically, physically and visually with Cuckfield Park, which could be considered as enhancing the overall significance of this asset.
- 12.43 Your Planning Officer has carefully considered the evidence, and the various views presented and agrees with your Conservation Officer regarding the significance of the various assets identified. It is widely acknowledged that the physical works associated with the development are limited and in the main, relate to the creation of path links to and through the site. These works themselves are generally not considered to harm the significance of the identified assets, and again, your Planning Officer agrees with this view.
- 12.44 The potential harm identified by your Conservation Officer mainly relates to the possible increase in noise and activity within the tranquil rural setting of the

identified assets via use of the new routes, and the parkland reserve itself. It is your Planning Officer's view that the amount of use of the proposed new routes is unlikely to be particularly intensive for a number of reasons:

- a) The nature of the proposed routes, particularly through the ecologically restricted part of the site, will not particularly be recreational attractive, being a route with fencing on either side.
- b) In the event that the residential scheme on Ansty Farm comes forward, then residents will have access to significant areas of open space within the development.

12.45 Furthermore, while the use of the additional publicly accessible areas may attract some additional use, it is not considered that this would be significant and would not result, in the view of Planning Officer, in intensive activity that would noticeably adverse and be at odds with the current rural setting the application site presents to the identified heritage assets.

12.46 Having regard to the above, it is your Planning Officer's view that the proposals would protect the setting of the identified designated heritage assets and would their significance to be preserved. In this regard, the application is considered to comply with policies DP34 and DP35 of the MSDP and the relevant sections of the NPPF.

12.47 In terms of the identified non-designated heritage asset (Old Mill Cottage), paragraph 216 of the NPPF requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. The original proposed cycle link close to this property has been removed from the scheme and given the separation of the proposal and the low level of activity anticipated (as identified above) it is your Planning Officer's view there would be no harm to this non-designated heritage asset.

Ecology and Biodiversity

12.48 Policy DP38 of the MSDP deals with biodiversity and 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.'

12.49 Policy CNP4 of the CNP also seeks to protect and enhance biodiversity, and states;

'Proposals should protect and enhance biodiversity by:

- *Protecting designated sites, protected species and ancient or species-rich hedgerows, grasslands and woodlands, and*
- *Preserving ecological networks, and the migration and transit of flora and fauna, particularly between urban areas, and*
- *Protecting ancient trees or trees of arboricultural value, and*
- *Promoting the mitigation, preservation, restoration and re-creation of wildlife habitats, and the protection and recovery of priority species and*
- *Providing a net gain in flora and fauna, in particular those defined on Map 6 - Biodiversity, and*
- *Adopting best practice in Sustainable Urban Drainage.'*

12.50 Paragraph 187 of the NPFF sets out the ways planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 193 sets out a number of principles that should be applied in the determination of planning applications, which include;

'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.'

12.51 The application has been supported by appropriate ecology information that has identifying the relevant habitats and protected species that are present on the site.

This information has been reviewed by the Council's Ecology Consultant, who has not raised an objection to the proposal, subject to suggested conditions. These conditions include the provision of a Biodiversity Enhancement Strategy which will include the purpose and conservation objectives of the proposed enhancements and details of long-term maintenance (which relevant). Their full comments can be found on the planning file.

- 12.52 Your Planning Officers are content the proposals, which contain limited physical works, will conserve and enhance protected and priority species within and around the site and as such the proposal complies with policy DP38 of MSDP and policy CNP4 of CNP, in respect of these matters.

Biodiversity Net Gain

- 12.53 As set out above, policy DP38 of the MSDP requires development to 'protect existing biodiversity, so that there is no net loss of biodiversity', while also on the other hand requires biodiversity to be protected and enhanced by ensuring development provides a net gain' in biodiversity. While policy CNP4 of CNP requires developments to protect and preserve designated sites/habitats and protected species and enhance biodiversity by providing a net gain in flora fauna. It is important to note that neither of these policies set a specific figure for net gain.
- 12.54 As such, to comply with policies DP38 and CNP4, the proposal needs to ensure that it provides a 'net gain' in biodiversity.
- 12.55 This application was submitted before the national requirement for 10% biodiversity net gain came into effect. Therefore, it is under policy DP38 of MSDP that biodiversity net gain is required, and this policy does not specify a minimum net gain; the only requirement is that there is a gain.
- 12.56 To support the application, the applicants have submitted a BNG metric which shows that the proposals would deliver a 18.04% increase in habitat units 0.89% increase in hedgerow units.
- 12.57 The proposed net gain can be secured through a planning condition, and it is your Planning Officer's view that the proposal complies with policy DP38 of the MSDP in respect of this matter.

Highways

- 12.58 Policy DP21 of MSDP deals with the transport matters and seeks development to support the objectives of the West Sussex Transport Plan 2011-2026. The policy sets a number of matters that should be considered in determining development proposals, which include;
- *'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.*
 - *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.'*

12.59 Policy DP22 of the MSDP deals with rights of way and other creational routes and states, inter alia

'Access to the countryside will be encouraged by;

- *Ensuring that (where appropriate) development provides for safe and convenient links to rights of way and other recreational routes;*
- *Supporting the provision of additional routes within and between settlements that contribute to providing a joined-up network of routes where possible;*
- *Where appropriate, encouraging making new or existing rights of way multi-functional to allow for benefits for a range of users. (note: 'multi-functional will generally mean able to be used by walkers, cyclists and horse-riders).'*

12.60 Policy AS14 of the ASNP relates to walking and cycling routes and states;

'The provision of improved walking and cycling routes to Cuckfield, Haywards Heath and other surrounding villages will be strongly supported.

Ansty and Staplefield Council will work with Mid Sussex District Council, West Sussex County Council and other interested parties to put in place an improved walking and cycling network.'

12.61 In respect of the NPPF, paragraph 115 sets out that in considering development proposal it should be ensure (amongst other things) that safe and suitable access to the site can be achieved for all users. Furthermore, paragraph 116 sets out:

'Development should only be prevented or refused 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.'

12.62 The application has been considered by the Local Highway Authority, who have not raised objection. Their comments can be found in full on the planning file.

12.63 Given the low-key nature of the proposals, particularly as no additional facilities are being proposed (i.e. cafe etc) then the proposals would not create a significant attraction that would impact off-site junctions. In addition, no further car parking facilities are being proposed beyond those that already exist, so no highway safety issues have been identified.

12.64 The proposed on-site paths will connect to the existing PRow's that cross the site, which provide access to Cuckfield village to the east. The originally proposed north/south cycle link through the site has been removed, so there are no other highway matters that need to be considered.

12.65 Having regard to the above, it is considered that the application complies with policy DP21 of the MSDP and policy AS14 of the CNP.

Impact on Residential Amenity

12.66 Policy DP26 in the MSDP seeks to ensure that proposals do not cause significant harm to the amenities of nearby residents, including taking account of the impact on privacy, outlook, daylight and sunlight, noise and light pollution.

- 12.67 Having regard to the locations of the existing residential properties in relation to the proposal, including Cuckfield Park, Pondtial Cottage and Old Mill Cottage, it is not considered that proposed introduction of public access nor the proposed viewing platforms would give rise to any significant harm by means of noise or disturbance or loss of privacy to existing amenities, given the distances involved. Furthermore, it is your Planning Officer's view that the intended use is unlikely to attract a level of usage that would be significantly noticeable to any adjacent properties.
- 12.68 In light of the above, it is considered that the application complies with policy DP26 of the MSDP.

Flood Risk and Drainage

- 12.69 Policy DP41 of the MSDP seeks to ensure that development proposals are safe (from flooding) and not increase flooding elsewhere.
- 12.70 The site bounded by watercourses to the west and east, which confluence with Copyhold Gill, flowing along the southern boundary of application site. The submitted information shows areas associated with Copyhold Gill fall into Flood Zone 2 and there are areas of high and low surface water flooding (associated with the tributaries on either side of the site) also within the application site.
- 12.71 The application consists of entirely water compatible land use types, having regard to flood risk vulnerability classification within the NPPF, so therefore the proposed use is acceptable for the level of risk to the site.
- 12.72 The application does not contain any proposals to alter the levels of the site or provide for additional hard surfaces. The proposed footpaths will be constructed from permeable material (which can be secured via condition) that means that flood risk would increase elsewhere, and that existing flow paths, volumes and rates across and from the site will maintain as existing.
- 12.73 Having regard to the above, your Planning Officer is content that the application proposal complies with policy DP42. Final comments are awaiting the Council's drainage consultee, however, it is not considered that the proposal will give rise to any objections, however, an update will be provided to members at the meeting.

Future Management

- 12.74 Many comments have been received regarding the proposed future management arrangements for the site, post completion. Your Officers are interested in taking on the publicly assessable northern elements of the scheme, as an extension to the existing public open space at Whitemans Green. The extent of this, and the any required commuted sum still need to be discussed with applicant, although they have indicated that they are open to the idea. Any transfer of land to the Council would need to be secured via a s106 Legal Agreement and the proposed recommendation reflects this.
- 12.75 In respect of the southern areas of the site that are proposed to be ecological restricted, the cost of future management lies entirely with the applicant. The proposed habitat enhancements indicated within the site are required to be secured and managed for a 30-year period, and again this would be secured via a s106 Legal Agreement.

- 12.76 The above arrangements and means of securing them, are reasonable and appropriate, and future management arrangements are not reason to resist the application.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and Ansty and Staplefield Neighbourhood Plan (ASNP) and the Cuckfield Neighbourhood Plan (CNP).
- 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 with the Development Plan.
- 13.3 The site is located outside the built-up area of Cuckfield but the proposed use, which is considered to be a leisure/cultural facility, is supported policy DP24 of the Mid Sussex Distrct Plan and as such the principle of the proposal is acceptable.
- 13.4 The site falls wholly with the High Weald AONB (also known as the High Weald National Landscape), where the Council are under a duty (in exercising or performing any functions) to seek to further the purpose of conserving and enhancing the natural beauty of the AONB. During the course of the application the scheme has been amended to remove a potentially harmful cycle link and the remaining proposals, in physical terms are extremely minimal. It is acknowledged that the High Weald National Landscape Unit have raised an objection to the scheme, however, the proposed land use management elements, as public open space and ecological enhancements areas (BNG), do normally require planning permission, notwithstanding this the use of conditions can address those matters which are of specific concern to them. It is considered that overall, the proposal complies with the High Weald AONB Management (when read as a whole), policy DP16 of the Mid Sussex District Plan, policy AS3 of Ansty and Staplefield Neighbourhood Plan, policy CNP5 of the Cuckfield Neighbourhood Plan and relevant sections of the NPPF. Furthermore, it is considered that the Council have meet its legal duties in respect of the AONB.
- 13.5 There are a number of designated heritage assets, as well as one non-designated heritage asset, within the vicinity of the site. It is considered that the proposal would protect the setting of the identified assets, meaning that their significance is preserved. The application complies with policies DP34 and DP35 of the Mid Sussex District Plan and the relevant parts of the NPPF in this respect.
- 13.6 The proposals will conserve and enhance protected and priority species within and around the site, with appropriate mitigation secured through conditions. A BNG gain of 18.04% on the site is proposed and again will be secured through a condition. The application complies with policy DP38 of the Mid Sussex District Plan and policy CNP4 of the Cuckfield Neighbourhood Plan in this regard.

- 13.7 It is not considered that the proposals would give rise to any significant harm to existing residential amenities by means of noise and disturbance or loss of privacy. Furthermore, it is not considered that the proposal would give rise to any highway network or safety issues, nor result in increased flood risk or drainage issues.
- 13.8 Future management arrangements for the ecologically restricted areas of the site are for the applicant. Officers have expressed interest in seeking a transfer of the proposed publicly accessible areas at the northern end of the site, as an extension to the Whitemans Green recreation area, to the Council (with a suitable commuted sum) and this will be sought through a s106 Legal Agreement.
- 13.9 Having regard for all the above matters, it is considered that the application complies with the Development Plan, when read as a whole, and that there are no other material considerations that indicate a decision should be made other than in accordance with the Development.
- 13.10 Subject to the imposition of suitable conditions, and a s106 Legal Agreement concerning management of the publicly accessible areas, the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Prior to the commencement of any works associated with this permission a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of Volume 4 November 2023 Appendix G: Ecology and Biodiversity Ecological Impact Assessment (The Ecology Co-op, October 2023), shall be submitted to and approved in writing by the local planning authority.

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

- Purpose and conservation objectives for the proposed enhancement measures;
- details designs or product descriptions to achieve stated objectives;
- Locations of proposed enhancement measures by appropriate maps and plans (where relevant).
- Persons responsible for implementing the enhancement measures; and
- 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 in accordance with policy DP38 of the Mid Sussex District Plan and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

3. Prior to the commencement of any works associated with this permission, Biodiversity Net Gain Plan evidencing that a measurable biodiversity net gain can be achieved for the development, shall be submitted to and approved in writing by the local planning authority.

The content of the biodiversity Net Gain Plan should include the following;

- Purpose and conservation objectives for the proposed enhancement measures.
- The completed biodiversity metric calculation tool and condition assessments.
- The habitat maps for the pre and post development values.
- Details of the management and monitoring proposals to achieve condition targets.
- Details of any off-site provision to be secured by a planning condition.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In order to demonstrate measurable biodiversity net gains and allow the LPA to discharge its duties under the NPPF and to accord with policy DP38 of the Mid Sussex District Plan.

4. Any works which will impact the breeding/resting place of Hazel Dormouse, shall not in any circumstances commence unless the local planning authority has been provided with either;

- a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

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

5. Prior to the construction of any new pathways within the site, details of their route, method of construction and materials shall be submitted to and approved in writing with the local planning authority.

The scheme will only be implemented in accordance with the approved details.

Reason: To conserve the character and appearance of the area and to ensure the use of permeable materials to accord with policies DP12, DP16 and DP42 of the Mid Sussex District Plan.

6. Prior to the erection of any fencing on site, the details and location of the fencing shall be submitted to and approved in writing with the local planning authority.

The scheme will only be implemented in accordance with the approved details.

Reason: To conserve the character and appearance of the area and to accord with policies DP12 and DP16 of the Mid Sussex District Plan.

7. Prior to the erection of any hide or viewing platform, details of design and appearance and the exact location, shall be submitted to and approved in writing with the local planning authority.

The scheme will only be implemented in accordance with the approved details.

Reason: To conserve the character and appearance of the area and to ensure the use of permeable materials to accord with policies DP12, DP16 and DP42 of the Mid Sussex District Plan.

8. 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.

Informatives

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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
Site Plan	21	P04	06.11.2023
Location Plan	31	P01	06.11.2023