

Category:	Smallscale Major Dwellings
Target Date:	14th January 2026
Parish:	Burgess Hill
Ward Members:	Cllr Janice Henwood / Cllr David Eggleton /
Case Officer:	Martin Dale

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T46KMXKT04L00>

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 The proposals seeks outline planning permission for 26 dwellings with all matters reserved except access and new footpath links to Keymer Road, the provision of new landscape amenity space, areas of ecological enhancements, together with associated Highways, Drainage and Utilities works associated with the proposed development.

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

2.3 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

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

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

meet all of the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.

- 2.6 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 2.7 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF. At the present time, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF. In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development, having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.
- 2.8 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policies DP12 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application.
- 2.9 The proposal would provide up to 26 dwellings, including 30% affordable housing. Given the inability of the Council to demonstrate a five-year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.
- 2.10 In respect of its landscape impact, it is accepted that there will be a change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. This significant change in character will also be visible from the adjacent public rights of way. In order to meet the housing needs of the district, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.
- 2.11 The proposal would provide up to 26 dwellings, 30% of which would be affordable. The proposal complies with policies DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.
- 2.12 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.

- 2.13 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 2.14 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. The applicants are proposing to provide a net gain on site. This would comply with the relevant requirements. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case above the mandatory 10%), should be given positive weight in the planning balance.
- 2.15 There are no objections to the scheme from the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 2.16 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 2.17 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 2.18 Weighing against the application is the conflict with Development Plan in relation to policies DP6, DP12 and DP15 of the MSDP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five-year housing land supply.
- 2.19 In light of all the above it is considered that the proposal complies with policies DP17, DP20, DP21, DP22, DP26, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on a site that is not allocated in the Development Plan for housing. Whilst the site is proposed to be allocated for housing in the Submission Draft District Plan, the weight that can be attached to this document at present is minimal because of the stage the plan is at in its examination, and the unresolved objections to this plan. Nonetheless, the site selection process which underlies the Submission Draft District Plan supports the conclusion that DPA1 is one of the most suitable and sustainable sites which is capable of helping to meet the Council's housing need.
- 2.20 Taking all of this into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the Development Plan that have been referred to in this report, the proposal does conflict with the Development Plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

- 2.21 The Council have approved Position Statement 1: Delivering Sustainable Development in Mid Sussex, which is a material consideration in determining of planning applications. It sets out that the Council continues to support the delivery of the housing sites and sustainable communities identified for development in the Submission Draft District Plan, of which the application site is one (policy DPA1 refers). It is considered that the application complies with this Position Statement and the general requirements of the proposed allocation policy and this is a material consideration that can be given positive weight in support this application.
- 2.22 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the Development Plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 2.23 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 2.24 The proposal would provide up to 26 new dwellings at a time when the Council cannot demonstrate a five-year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 2.25 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the public right of way network, the landscape infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.
- 2.26 It is your Planning Officer's view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.
- 2.27 It is therefore recommended that planning permission be granted subject to conditions.

3.0 Recommendations

3.1 Recommendation A

It is recommended that permission be granted subject to the completion of a s106 Agreement to secure the affordable housing and the requirement infrastructure contributions, and the conditions set out in Appendix A.

3.2 Recommendation B

If a satisfactory planning obligation has not been completed by 2nd January 2026 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

'The proposal fails to provide the required affordable housing and the infrastructure contributions. The application therefore conflicts with Policies DP20 and DP31 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Document 'Affordable Housing' and Position Statement 2: Infrastructure'.

4.0 Summary of Representations

52 letters of objection on grounds of

- Adverse impact on Batchelor farm nature reserve.
- Planning history includes refusal for 33 houses on grounds of being development in the open countryside non allocated site nothing has changed.
- 26 houses will create an inappropriate high density of development out of keeping with the local vernacular local vernacular of large houses in larger plots.
- Create an unacceptable precedent for future development.
- Will be contrary to numerous planning policies of the adopted MSDP.
- Unsustainable location due to lack of footpaths on the western side of Keymer Road occupiers will be required to cross a busy road with associated highway dangers.
- Proposed vehicular access points create highway danger.
- The increase in traffic will impact on the safety of the surrounding highway networks and create further congestion.
- The traffic surveys do not fully account for the nearby but not yet completed developments at Templegate and Ockley Park which together with this proposed development will create yet more volume of traffic on a very busy road making vehicular access even with visibility splays potentially dangerous.
- Development generates unacceptable levels of traffic creating highway danger and congestion on the surrounding highway network.
- Development will place undue pressure on existing infrastructure namely education health surface waterfowl sewage drainage.
- Development I this location will be visually intrusive in the landscape will be out of character and result in urbanization of the countryside.

- There is no demonstrable need for additional housing in this location. Burgess Hill is already undergoing extensive residential expansion, with thousands of homes either approved or under construction.
- This location is also unsuitable because of its proximity to the South Downs National Park, the boundary of which lies only a few hundred metres away
- Parking for construction vehicles must be required to ensure they are not an issue.
This development impinges on & has an adverse effect on the strategic gap between Burgess Hill & southern villages.
- There is no evidence in the planning application that consideration has been to the essential services needed for such a development including sewage, power and water. All these services are highly stressed now and further development will only be exacerbated with further development.
- Adverse impact on ecology and biodiversity unacceptable loss of historic hedge to create access will adversely impact on protected species namely great crested newts and other local wildlife.
- Concerns proposed surface water statement will not work resulting in localised flooding No details as to how the system will be maintained and managed in perpetuity.
- No details of how foul sewage will be addressed.
- Adverse impact on views from the public footpath and public open space.
- Affordable housing location not identified.

5.0 Summary of Consultees (full comments can be viewed on the planning file)

MSDC Housing Officer

No objection subject to seeking the appropriate level of affordable housing split 25% First Homes (2 units) and 75% Social Rented or Affordable Rented housing (6 units)

Lead Local Flood Authority

No objection subject to conditions

MSDC Contaminated Land

No objections subject to conditions requiring scheme for acousiocs and ventilation limits on construvction hours deliveroes no burning of materials

MSDC Environmental Protection

No objection subject to appropriate conditions regarding

MSDC Ecology Consultant

There are no ecological grounds for refusal. No objection subject to conditions including construction environment management plan for biodiversity doormous protection, reptile protection method statement biodiversity enhancement strategy habitat management monitoring strategy.

WSCC Highways

No objection When considered against the existing vehicle movements on nearby road network, the development is not anticipated to result in a 'severe' impact to the operational capacity of the road network

Southern Water

No objection subject to conditions

Nature Space

No objection district licence obtained to address any potential impacts on Great Crested Newts.

MSDC Archeology Consultant

No objection subject to conditions regarding no development until written scheme of investigation undertaken and submitted , submission of final archeological report

6.0 Burgess Hill Town Council Observations

Object to application on the following grounds:

- Loss of Protected Green Space and Open Space
- Flood Risk and Drainage Concerns
- Highway Safety and Traffic Access Concerns
- Character and Townscape Impact
- Inadequate Site Planning and Design
- Prematurity and Plan-Led Development
- Lack of Infrastructure Capacity

The Town Council's comments can be viewed in full on the planing file.

7.0 Introduction

- 7.1 Outline planning permission is sought for the erection of 26 dwellings, with all matters reserved except access, new footpath links to Keymer Road, the provision of new landscape amenity space, areas of ecological enhancements, together with associated highways, drainage and utilities works associated with the proposed development on land adjacent to Batchelors Farmhouse, Keymer Road, Burgess Hill.

8.0 Relevant Planning History

- 8.1 Planning ref: DM/21/0940: Demolition of the existing agricultural buildings on site to constitute a material operation and lawful commencement of the planning permission as permitted under references DM/15/3955/ and DM/19/0195/ having been lawfully implemented in advance of the planning permission expiration date of 7th March 2021 thus making the planning permission extant. Approved 29th April 2021.

Planning ref: DM/21/0056: Variation of condition 4 relating to DM/15/3955 to re-word Condition 4 to read as "No part of the development shall be first occupied until

such time as the vehicular access points serving the development have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority". In addition add a condition in relation to the temporary access to the rear of the site for the construction of the development to rear "prior to the occupation of the dwellings, the temporary access surface to the rear of the site as showing in drwg 1809/COND 01 Rev A shall be removed and the land restored to its former use". Approved 26th February 2021.

Planning ref: DM/19/0195: Application for approval of reserved matters of appearance, landscaping and layout relating to planning application DM/15/3955 for the demolition of existing outbuildings and erection of 2 residential dwellings. Approved 7th March 2019.

Planning ref: DM/18/3823: Outline application for 37 new dwellings including 30% affordable housing, with vehicular and pedestrian access via Keymer Road. The provision of public open space, associated infrastructure and landscaping, following demolition of an existing dwelling. Withdrawn 22nd October 2018.

Planning ref: DM/15/3955: Outline planning application for the consideration of scale and access details for the demolition of existing outbuildings and erection of 2 residential dwellings. Approved.

9.0 Site and Surroundings

- 9.1 The application site comprises a total area measuring approximately 1.35 hectares in size and is located on the western side of Keymer Road as it passes to the south of Burgess Hill, en-route to the village of Keymer.
- 9.2 Part of the site is land previously associated with Batchelors Farmhouse and is currently overgrown pasture bounded by various lengths of hedging and screening - interspersed with trees. There are several larger trees on the site, in particular a large oak that sits a little way into the site, that is an important feature on the site and in the street scene.
- 9.3 The Batchelors Farm Nature Reserve sits beyond the western boundary of the application site and comprises hedgerows, scrub and shaws, as well as areas of wetland and a mix of trees, including mature oak trees.
- 9.4 At this point of Keymer Road the area is characterised by a linear form of development mainly comprising of mainly detached dwellings set back from the highway on fairly large plots of land. Broadlands, opposite the site, is a small cul-de-sac of detached properties.
- 9.5 To the west and north boundaries there are areas of informal public open space and biodiversity opportunities – including the land that is part of the Burgess Hill Green Circle network – a scheme that looks to link various wildlife habitats around Burgess Hill.
- 9.6 The site lies approximately 450m from the boundary of the South Downs National Park, at its nearest point.

10.0 Application Details

- 10.1 The application is seeking outline planning permission with all matters reserved (except the means of access from the public highway) for residential development

and the construction of up to 26 dwellings, with vehicular accesses, a new footpath links to Keymer Road, the provision of new landscape amenity space, areas of ecological enhancements, together with associated highways, drainage and utilities works associated with the proposed development.

10.2 The submitted Planning Statement sets out in detail that the application proposes the following development:

- Up to 26 dwellings;
- 30% Affordable units;
- Surface water drainage infrastructure, including five attenuation basins;
- Open Space
- Ecological Mitigation

10.3 The application is accompanied by a number of supporting statements for consideration consisting of:

- A Planning Statement;
- A Design and Access Statement;
- An Archaeological Desk-Based Assessment;
- A Transport Assessment;
- Impact Map
- An Ecological Impact Assessment;
- A Biodiversity Net Gain Assessment and Matrix
- A Flood Risk Assessment And Drainage Strategy;
- A Landscape and Visual Impact Assessment;
- Arboricultural Impact Assessment;
- Affordable Housing Statement
- Land Contamination Assessment
- Illustrative Masterplan
- Sustainability Statement
- Environmental Noise Impact Assessment
- A Geophysical Survey Report;
- A Statement of Community Involvement

10.4 As the application is in outline form, the information submitted is limited but the parameter plan shows the boundaries of the site to north, south and west would be

maintained with green buffers, with areas of open space to the north of Batchelors Farmhouse and to the northwest corner, where an attenuation feature is shown.

- 10.5 In respect of the detailed matters being fixed by this application, the proposed two access points to the development will be via the part-implemented vehicular accesses onto Keymer Road, consented as part of the 2015 planning approval on the site. The main access to the site will be to the south of Batchelors Farmhouse and has been designed to incorporate a 6m wide vehicular road. The northern access will serve a limited number of plots and will include a linking footway on Keymer Road to link to the dropped tactile paved crossing of Keymer Road. They provide 2.4m x 120m visibility splays to the north and 2.4m x 150m splay to the south.
- 10.6 These are the access points and visibility splay approved as part of the 2015 application.

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, and*
- b) Any 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 conflict 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 This application is made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. The Act states that:

'On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and-

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.'*

- 11.7 Using the above as the starting point the Development Plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Site Allocations Development Plan Document (SADPD)
- 11.8 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan (MSDP)

- 11.10 The District Plan was adopted at Full Council on 28th March 2018. Relevant policies:
- DP4 Housing
 - DP6 Settlement Hierarchy
 - DP12 Protection and Enhancement of Countryside
 - DP15 New Homes in the Countryside
 - DP17 Ashdown Forest Special Protection Area and Special Area of Conservation.
 - DP20 Securing Infrastructure
 - DP21 Transport
 - DP22 Rights of Way and other Recreational Routes
 - DP23 Communication Infrastructure
 - DP26 Character and Design
 - DP27 Dwelling Space Standards
 - DP28 Accessibility
 - DP29 Noise, Air and Light Pollution
 - DP30 Housing Mix
 - DP31 Affordable Housing
 - DP37 Trees, Woodland and Hedgerows
 - DP38 Biodiversity
 - DP39 Sustainable Design and Construction
 - DP41 Flood Risk and Drainage
 - DP42 Water Infrastructure and the Water Environment

Site Allocations DPD

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

Relevant Policy

Policy SA38

Neighbourhood Plan

- 11.14 There is no neighbourhood plan for the site.

Other Material Consideration

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

- 11.15 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 of 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:

DPE8 - Sustainable Rural Development
DPS1 - Climate Change
DPS2 - Sustainability and Construction
DPS4 - Flood Risk and Drainage
DPC1 - Protection and Enhancement of the Countryside
DPC4 - High Weald Area of Outstanding Natural Beauty
DPB1- Character and Design
DPB2 - Listed Buildings and Heritage Assets
DPT3 - Active and Sustainable Travel
DPN1 - Biodiversity
DPN2 - Biodiversity Net Gain
DPN3 - Blue and Green Infrastructure
DPN4 - Trees Woodland and Hedgerows
DPN6 - Pollution
DPN7 - Noise
DPN8 - Lights and Dark Skies
DPN9 - Air Quality

- 11.16 The application site is proposed to be allocated development for residential development under policy DPA1 in the Submission Draft District Plan for 33 dwellings.

- 11.17 The policy refers to financial contributions towards the provision of:

- Sustainable Transport
- Improvements at Burgess Hill Station
- Education
- Library
- Community buildings
- Local Community Infrastructure
- Health

- Play area
- Other outdoor provision
- Outdoor sports
- Parks and Gardens

Provision of:

- Highway works
- Sustainable Transport measures

11.18 The policy also sets out the following requirements:

1. Minimise impacts on the most visible parts of the site on the wider countryside and the settings of and any potential views from the South Downs National Park by ensuring that the scale, sitting and design of the development avoids harm to this character.
2. Ensure development provides a positive edge to Batchelors Farm Nature Reserve to the west.
3. Prioritise cycle and pedestrian connections throughout the site with direct links to the Batchelors Farm Nature Reserve to the west.
4. Provide suitable access from Keymer Road.
5. Address any impacts associated with the brick clay (Weald clay) Minerals Safeguarding Area.
6. Meet the requirements of other relevant development plan policies.

Position Statement 1: Delivering Sustainable Development in Mid Sussex

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

11.20 Section 5 of the Position Statement sets out that the Council continues to support the delivery of the housing sites and sustainable communities identified for development of the Submission Draft District Plan, of which the application site is one (policy DPA1 refers).

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

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

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

- Infrastructure

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.23 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.

Position Statement 2: Infrastructure

Affordable Housing Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

- 11.24 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.
- 11.25 Paragraph 11 of the NPPF sets out that presumption in favour of sustainable development should apply to decisions. This means approving development that accords with an up-to-date development plan or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, grant permission unless the application of policies within the Framework that protect areas/particular assets provide a strong reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 11.26 Paragraph 12 of the NPPF states:

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

- 11.27 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.
- 11.28 The following sections of the report will identify specific paragraphs relevant to the determination of the application.

National Planning Policy Guidance (PPG)

12.0 Assessment

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

The principle of development.

- Transport matters
- Landscape Impacts
- Design/layout/housing mix, sustainability
- Affordable housing and mix
- Residential amenity (including noise and air quality)
- Trees and Ecology
- Biodiversity Net Gain
- Drainage
- Infrastructure
- Ashdown Forest
- Other Matters
- Planning Balance and Conclusion

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 falls within the countryside as defined by the District Plan.

DP12 of the MDSP states in part that

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the district, and:

- *it is necessary for the purposes of agriculture; or*
- *it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.'*

The proposal does not meet any of these criteria

12.4 Policy DP6 of the MSDP states in part that:

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

1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and

2. The site is contiguous with an existing built-up area of the settlement; and

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

12.5 The proposed residential development does not meet all of these criteria.

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

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

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

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

12.9 As the site is not allocated for residential development in the Development Plan, the application is in conflict with policies which are central to the principle of development at this location, and your Planning Officer considers that the proposed development does not accord with the Development Plan, when read as a whole.

12.10 As per planning legislation, a decision must be made in accordance with the Development Plan unless there are any material planning considerations which indicate otherwise. It is therefore necessary to consider other material planning considerations which outweigh this conflict with the Development Plan.

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

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

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

'For decision-taking this means.

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

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

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

Or

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

- 12.14 Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest. land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.
- 12.15 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of delivery housing sites (with an appropriate buffer) or were the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.
- 12.16 Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.
- 12.17 In light of the above, this development needs to be considered in the context of paragraph 11 (c) and (d) of the NPPF, and it is considered necessary to assess whether the policies most important to the determination of the application within the Mid Sussex District Plan are up-to-date or not.
- 12.18 Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the

NPPF tests. As such, these policies can be given limited weight in the determination of the application.

- 12.19 Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five-year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.
- 12.20 Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing; the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.
- 12.21 Having regard to this, and in light of footnote 8 of the NPPF, it is considered that the tilted balance, as set out within paragraph 11(d ii) of the NPPF, is engaged and the key test that needs to be considered in determining this application.
- 12.22 The fact the that the site is proposed to be allocated for residential development in the Submission Draft District Plan is relevant and the Council's approved Position Statement 1 (set out above) sets out that these sites would be supported. This is material consideration that can be given positive weight in the final planning balance.
- 12.23 In the following sections of the report will consider the relevant matters associated with the proposed development in the context of the Development Plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Access and Transport

- 12.24 Policy DP21 in the MSDP states:

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

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

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

- *The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy).*
- *Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and*

access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up.

- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages.*
- *The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport, and with the relevant Neighbourhood Plan where applicable.*
- *Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded.*
- *The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements.*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation.*
- *The scheme protects the safety of road users and pedestrians; and*
- *The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts. Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles. Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'*

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

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

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

Para 116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Para 117. Within this context, applications for development should:

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

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

12.26 The application has been supported by a Transport Statement, a Road Safety Audit and a Transport Statement Addendum following the initial comments from the Local Highway Authority (LHA).

12.27 All these documents have been carefully considered by the Local Highway Authority.

12.28 As this is an application seeking outline permission with all matters reserved other than access, the relevant highway elements for consideration are

- Access arrangements
- Impact on highway network.
- Sustainable transport

12.29 All these elements are considered below:

Access Arrangements

12.30 The application is seeking detailed consent for 2 vehicle access points to serve the development, with associated visibility splays, directly onto Keymer Road.

12.31 In regard to offsite works an uncontrolled crossing in the north-eastern corner of the site is proposed. This will link the development and existing Public Right of Way (PROW) with the footway on the eastern side of Keymer Road, which allow pedestrians to link to the southbound bus stop at Greenland's Drive and northwards to Burgess Hill.

12.32 The LHA requested consideration to the provision of footway on the western side of carriageway to link northeast corner of site to Greenland's Drive, including tactile paving across existing dropped kerb of Greenland's Drive. However, the applicant has detailed why such a footway is not achievable.

- 12.33 The LHA have considered the above and have confirmed they accept why the footpath cannot be provided and consider the proposed access points and crossing are an acceptable approach for the development and will ensure the development will not adversely impact on highway safety.

Impact on Highway Network

- 12.34 The LHA state in their consideration of the application:

“TRICs has been used to predict potential vehicle movements as a result of the development and found that 16 x trips in AM and 15 x trips in PM peak hours could result. Balanced against the existing vehicle movements on nearby road network, this is not anticipated to result in a ‘severe’ impact to the operational capacity of the road network”

- 12.35 Accordingly, while noting objections regarding increase in traffic and associate highway safety issues, your Planning Officer considers the development will not result in an adverse impact on highway safety or the surrounding highway network.

Sustainable Transport

- 12.36 In line with guidance in the NPPF, the applicants have provided a Transport Statement which provides genuine opportunities for future residents to access local facilities and services via sustainable modes, encouraging travel by active modes through the provision of offsite improvements and good on-site layout design and minimising the need to travel through on-site infrastructure.

- 12.37 The LHA advises:

“Several amenities and services are within walking and cycling distance (e.g. Burgess Hill Martlets Shopping 1.59km, primary schools within 1.11-3.20km, supermarkets, GP surgery etc). The nearest bus stop adjacent Greenlands Drive is 0.16km/ 2-minute walk and features services to Hurstpierpoint, Burgess Hill, Haywards Heath, Cuckfield. Colleagues have been consulted on whether Realtime (RTPI) information boards would be welcomed at these stops, for which a contribution could be secured, and comments will follow in due course.

Burgess Hill Train Station is 18-minute walk/ 4-minute cycle north of the site and features bicycle storage.

The LHA consider that the development site is within reasonable walking and cycling distance to amenities and public transport options meaning that a reliance on the private car for all trips to and from the site may be reduced for some.”

- 12.38 It should be noted that the allocation of the site in them Submission Draft District Plan is based upon the need to identify sites in sustainable location.

- 12.39 A Travel Plan will secure commitments to reducing the need to travel by car and encourage residents to take more sustainable travel modes. In the light of the

above the site is considered to be in a sustainable housing location and provide genuine opportunities for travel by modes alternative to the private car.

Car and Cycle Parking

- 12.40 As this is an outline application, a future reserved matters application would deal with car and cycle parking. The applicants indicate that this would be provided to meet the current standards or any subsequent standards that may be adopted at that time. There are no reasons why a satisfactory level of cycle and car parking could not be provided at the reserved matters stage.
- 12.41 New houses are required to provide EV charging points under Building Regulations. The applicants have stated that EV charging infrastructure will be provided in accordance with the adopted EV charging standards at the time of the reserved matters application, which is currently a minimum of one charging point for each new dwelling.

Construction stage

- 12.42 It is normal practice on major developments such as this, for a condition to be placed on any approval requiring the submission of a Construction Management Plan (CMP) to the LPA for its approval, in consultation with the LHA. The purpose of a CMP is to provide some mitigation to the effects, and set out a clear framework, for both the developers and residents, of how the construction process will be managed.
- 12.43 It needs to be accepted that the construction process will result in disruption and inconvenience for existing residents. This cannot be avoided completely and is not a reason to refuse planning permission. With a CMP in place, it is considered that the impact on the highway network and residents that use the network can be satisfactorily managed through this means.

Conclusion on highway matters

- 12.44 Your Planning Officer agrees with the comments of the LHA regarding the traffic impact of the proposed development and sustainability of the site's location, and options for alternative modes of transport other than the private car.
- 12.45 The LHA have no objection to the proposed development and as the statutory body responsible for the road network within the district, it is considered that the views should be afforded significant weight. With planning conditions to secure the details of the access points and highways works, and a legal agreement to secure a Travel Plan, it is considered that there are no sustainable grounds to resist the application on highways grounds
- 12.46 The test in the NPPF of only refusing applications on highway grounds *'if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'* is a high bar. As the LHA do not consider the application conflicts with this guidance, it is your Planning Officer's view that it would not be sustainable for the LPA to seek to resist the application on highways grounds.
- 12.47 The development is therefore considered compliant with the relevant Development Plan policies and the NPPF.

Landscape Impacts

12.48 Policy DP12 in the MSDP states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the district, and:

- it is necessary for the purposes of agriculture; or*
- it is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.*

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

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

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

Economically viable mineral reserves within the district will be safeguarded'

12.49 For the reasons outlined earlier in the report, this policy has limited weight.

12.50 It is clear that with any green field development there will be a significant change at the local level from that of an undeveloped landscape to a housing development. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the district, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.

12.51 The application is supported by a Landscape and Visual Appraisal (LVA) this advises

'There will be a substantial change in the character of the Site, as the existing field is replaced by a new housing development and associated landscaping and infrastructure. However, the proposed development would be closely related to the existing dwelling at Batchelors Farmhouse and to settlement at the edge of Burgess Hill. The loss of the hedgerow on Keymer Road will open up views of the interior of the Site, impacting on the existing character of the road, which is generally well vegetated on either side of the carriageway.'

- 12.52 As detailed in this appraisal, the site is well contained by existing built form to the north and east, and by intervening field boundary vegetation and the property, and grounds, at The Weald to the south. The majority of the key views towards the site are from the adjacent open space at Bachelors Farm Nature Reserve to the west.
- 12.53 The site is located within approximately 450m from the boundary of the South Downs National Park at its nearest point.
- 12.54 The council agree with the conclusion of the LVIA that the impact on the non-designated landscape is acceptable and that there is no visual interconnection between the site and the National Park.
- 12.55 The acceptable impact on the landscape is further enforced by the allocation of the site in the Submission Draft District Plan, which would have formed a consideration in the designation of the site.
- 12.56 The council accept this is an extension of the built form into the open countryside and while noting the concerns about the impact on the public footpath and Nature Reserve, it is considered taking the existing visual context of the location, that the development's impact on the landscape will not be so adverse as to justify a refusal of the development.
- 12.57 It should be noted that the layout plan submitted is indicative only and was submitted for information purposes only, to establish the site is capable of supporting 26 dwelling.
- 12.58 It is considered based on the details that have been submitted that the applicants have demonstrated the impact of the proposed development on the character of the countryside can be mitigated to a reasonable extent.
- 12.59 For example the application advises ecological enhancements will form part of the application and the submitted plans show the northern and southern boundaries having a strip of land for ecological mitigation, which would minimise the impact of the development on the nature reserve and the footpath. In the northwestern corner of the site an area of ecological mitigation is also shown. Further details of proposed landscaping will come forward at the reserved matters stage, together with the details of the layout and design of the proposed dwellings.
- 12.60 It is your Planning Officer's view that given the reduced weight that can be afforded to policy DP12, it would not be appropriate to seek to resist the application because of any conflict with this policy.

Flood Risk and Drainage

- 12.61 The site is located within Flood Zone 1, where is a low probability of flooding, however any development within this area where the application site exceeds 1 hectare requires a Flood Risk Assessment (FRA).
- 12.62 The applicant has submitted the required FRA, and this has been considered acceptable by the Lead Local Flood Authority, who consider that the proposal would not suffer from, or pose, an unacceptable flood risk.
- 12.63 Your Planning Officer agrees with this assessment and is satisfied that the proposal is compliant with Policy DP41 of the MSDP, in this respect.

Surface Water Drainage

- 12.64 In regard to surface water drainage the applicant has identified that the ground is unsuitable for infiltration therefore they are proposing a sustainable surface drainage system that will attenuate water flow to an acceptable level and drain into to the nearby drainage channel (adjacent to the northwest of the site).
- 12.65 The indicative drainage method proposed which established the principle is detailed in the FRA. This demonstrates a system primarily based on a sustainable drainage system of water disposal. This includes swales and ponds within each sub-catchment to provide the attenuation required prior to off-site discharge at a controlled rate.
- 12.66 The Lead Local Flood Authority have considered these details and has no objection in principle to development.
- 12.67 As all matters have been reserved, other than access, this means the housing details submitted in the plans are indicative only, and accordingly the details of the surface water drainage are also viewed as indicative but establish the principle of drainage.
- 12.68 While the principle of surface water drainage has been established the detail of the needs to be the subject of appropriate planning conditions namely:
- Prior to or in conjunction with the reserved matters application a detailed surface water drainage shall be submitted for approval
 - A verification report shall be submitted to conform the approved scheme has been implemented
 - Maintenance and management of the system for the lifetime of the development
- 12.69 It is considered that the applicants have demonstrated that the principles of the surface water drainage for the development, are acceptable, in accordance with policy DP41 of the MSDP.

Foul Drainage

- 12.70 While no details of foul drainage are provided it is considered this can be addressed by a pre commencement planning condition requiring full details to be provided and the system to be installed prior to occupation and maintained for the lifetime of the development. Southern Water have not objected to the application and with the use of conditions, it is considered that this element of the proposal complies with policy DP41 of the MSDP

Water Supply

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

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

Design/Layout sustainability

Design/layout

- 12.73 Policy DP26 of MSDP deals with 'Character and Design'. It lays out the relevant criteria to ensure development is appropriate and achieves a high quality of design.
- 12.74 In this case however as it is only the principle of the development and the means of access that are to be determined at the outline stage. The plans that have been submitted are illustrative and seek to demonstrate that this quantum of development could be accommodated on the site. If this outline application is approved, a subsequent reserved matters application will need to be submitted to determine the remaining details of the appearance, landscaping, layout and scale of the dwellings and care home. It is at this point that the merits of the design and layout will be determined.
- 12.76 A number of the objections to the application raised concerns that any approval for 26 dwellings on the site would result in a density of dwelling that would be out of keeping with the local character, which is defined mainly by larger plots. Your Planning Officer considers the density and scale of development to be appropriate to the location, and it needs to be remembered that the Council are proposing to allocate this site for up to 33 dwellings as part of the emerging District Plan. The existing plot size and character of an area in this location, with no designation, is not considered a limiting factor.

Sustainability

- 12.77 Policy DP39 of MSDP seeks to improve the sustainability of all development and encourages, where appropriate and feasible, the incorporation of sustainable measures/features. As part of any reserved matters submission, these details will need to be set out, and there is no suggestion at this outline stage that a suitable scheme to satisfy this policy will not be able to be submitted.

Residential Amenities (including noise and air quality)

- 12.78 Policy DP26 seeks protect existing residential amenities, as well as future occupiers' amenities, from significant harm in respect of matters such as privacy, outlook and loss of light etc.
- 12.79 If this outline application is approved, it would be at the subsequent reserved matters application that the detail of the layout of the site and the design of the proposed buildings would be submitted. It is therefore at the reserved matters stage that a detailed assessment about the impact of the proposed development on the amenities of existing occupiers surrounding the site would need to be made, because it is at this stage that the detail of these relationships would be known.

- 12.80 Nonetheless it is relevant to assess the outline application in relation to its impact on the amenities of existing residential occupiers based on the illustrative information that has been submitted.
- 12.81 The illustrative plans show that the development can be accommodated without any significant harm to the residential amenities of existing property namely Batchelors Farmhouse and proposed properties.

Noise

- 12.82 Policy DP29 of the MSDP address the impact of noise, and states that development:

'It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area.

• If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures.

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.'

- 12.83 An Environmental Noise Impact Assessment, prepared Temple Group Ltd, dated 24 February 2025 is included with the application. The report provides an assessment of the acoustic environment at the proposed development site and evaluates its suitability for residential use.

- 12.84 The findings indicate that the majority of the site is subject to low or negligible levels of environmental noise, with predicted internal and external levels generally compliant with BS8233:2014 and WHO guidelines.

It is considered that the site is acoustically suitable for residential development in principle, although it acknowledges that some facades closest to Keymer Road may not achieve internal noise targets with windows open.

- 12.85 Your Environmental Health Officer has considered the report and suggests that a condition requiring a Acoustic Design Statement be submitted at the detailed design stage to address this issue and your Planning Officers agree with this approach. The condition is set out in Appendix A. Furthermore, measures to mitigate noise generation through the construction process can be controlled by suitable conditions.

Air Quality

- 12.86 Policy SA38 in the Site Allocations DPD relates to air quality and states in the relevant parts

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

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

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

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

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

- 12.87 In regard to any impact on air quality the site is not within an AQMA and any impact will be limited to impact from construction works and this can be addressed by an appropriate construction management condition.
- 12.88 Having regard to the above it is considered that the development complies with policies DP26 and DP29 of the MSDP and policy SA38 of the SADPD.

Affordable housing and housing mix

- 12.89 Policy DP30 of the MSDP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs.
- 12.90 The indicative information indicates a mix of housing of

House Type	No
2 Bed Flat Over Garage	2
1 Bed Maisonette	2
2 Bed Dwellings	9
3 Bed Dwellings	9
4 Bed Dwellings	0

- 12.91 The final mix will be set out in any reserved submission and there is no reason why a suitable mix could not be achieved. It is considered that this indicative mix would comply with the aims of policy DP30.
- 12.92 It is considered that the proposal has demonstrated that a satisfactory housing mix can be provided in accordance with policy DP30 in the MSDP.

Affordable Housing

- 12.93 Policy DP31 in the District Plan seeks to secure 30% affordable housing on sites such as this. The proposal would provide 8 affordable dwellings.

- 12.94 The scheme provides a policy compliant level of affordable housing, and this should be afforded significant positive weight in the determination of this application.
- 12.95 The location of the affordable housing would be determined at the subsequent reserved matters application. It is at this stage that the Council would seek to ensure that the affordable housing was suitable distributed (pepper potted) within the site to accord with the Council's policies.
- 12.96 The Council housing officer advises:

'To meet a range of housing need, from Burgess Hill and the surrounding parishes, the overall affordable housing size mix will need to comprise approximately:

25% (2) x 1B/2P flats, Coach Houses /FOGS, maisonettes, or bungalows @ a minimum of 50m² (excluding the staircase and entrance hall in the case of any Coach Houses/FOGS or maisonettes or 58m² including them). Maisonettes should each have their own private garden area

50% (4) x 2B/4P houses and flats or all houses (the rented units should all be houses) @ a minimum of 79m² in the case of houses (2 storey) and 70m² in the case of flats (excluding the staircase and entrance hall in the case of any Coach Houses /FOGS or maisonettes or 79m² including them). Maisonettes should each have their own private garden area

- 25% (2) x 3B/5P houses @ a minimum of 93m² (2 storey) or 99m² (3 storey)

It is understood that the development is to be delivered as one phase, but if this changes 30% affordable housing split 25% First Homes / 75% social rented or affordable rented housing will be required in each and every phase and the phases will need to be clearly identified on a Phasing Plan.

A tenure blind approach will be required, with the affordable units distributed throughout the site and, in accordance with the Affordable Housing SPD, the location of the affordable housing units will need to meet our clustering requirement. Due to the number of units being delivered for Affordable Housing, our clustering requirement will be met.

When the planning application is submitted, the affordable housing units will also need to be separately identified on an Affordable Housing Plan which includes plot numbers. The proposed First Homes will need to be shown in blue and the proposed rented units in red, together with their allocated and numbered car parking spaces. These must comprise a minimum of 1 space per 1 and 2 bed unit, 2 spaces per 3 bed unit and 3 spaces per 4 bed unit. The location of the wheelchair accessible dwellings, their individual private garden areas and wheelchair accessible parking spaces, will also need to be clearly identified on this plan by green hatching.

Finally, an Affordable Housing Schedule will also be required detailing for each affordable housing unit the plot/flat number, type of unit, number of storeys, floor level in the case of flats/maisonettes, floor area in m², number of bedrooms,

number of persons, and proposed tenure & whether or not it is a wheelchair accessible dwelling, in order to clearly demonstrate that all requirements are being met'

12.97 An application reserve matters will need to address the above requirements.

Conclusion on housing matters

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

12.99 The proposal would provide up to 26 dwellings, 30% of which would be affordable. The proposal complies with policies DP26, DP30 and DP31 in the MS DP.

Trees

12.100 In regard to impact of development on trees this is addressed by Policy DP37, which in part advises:

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

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

12.101 The application is supported by an Arboricultural Implications Report (AIR).

12.102 There are 51 surveyed trees or groups of trees on or near the site. Of these, none are 'A' (high quality) category, 8 are 'B' (moderate quality) category, 41 are 'C' (low quality) category, and 2 are 'U' (unsuitable for retention quality) category.

12.103 The AIR advises that to facilitate the development will require the removal of or part removal of 15 category C these are classified as being either of low quality or very limited merit or only low landscape benefits or of no material cultural or conservation value, or have only limited or short-term potential; or young trees with trunk diameters below 150mm; or a combination of these.

12.104 Whilst the loss of any trees is regrettable, policy DP37 in the MSDP does not include an absolute bar to tree removal. The majority of the trees in and around the site would be retained and although the character within the site would clearly change from being an undeveloped field to a major housing development, the trees that are to be lost are of low quality and can be mitigated with suitable replanting proposals.

12.105 As the layout of the site is indicative there may be additional impact on trees, but the council can address this at the reserved matters stage by requiring appropriate level of replacement trees. It is considered that the application complies with policy DP37 of the MSDP.

Biodiversity

12.106 Policy DP38 of MSDP deals with biodiversity and states, in part:

'Biodiversity will be protected and enhanced by ensuring development:

- *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;'*

12.107 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.

'a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

12.108 The applicant has submitted a Preliminary Ecological Assessment of the site, which has been considered by the Council's Ecology Consultants in regard to the likely impacts of development on designated sites, protected & priority species and habitats, and identification of appropriate mitigation measures. Their comments can be found in full on the planning file.

12.109 The Council's Ecology Consultant states:

“The mitigation measures identified in the Ecological Impact Assessment (The Ecology Co-op, March 2025) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality. We recommend that the finalised measures should be secured via a Construction Environmental Management Plan (CEMP: Biodiversity) prior to commencement. In addition, a separate condition should be secured by the LPA to ensure a copy of the European Protected Species Mitigation Licence (EPSML) for Hazel Dormouse, which will be required prior to removal of any suitable habitat for Hazel Dormouse.

We also still recommended that a Wildlife Friendly Lighting Strategy is implemented for this application in line with the Ecological Impact Assessment (The Ecology Co-op, March 2025)) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full.

- 12.110 These requirements can be addressed by the use of appropriate planning conditions and your Planning Officer is satisfied that the proposal would not result in any residual harm to any protected species.
- 12.111 In terms of the potential impact on the existing Nature Reserve, the illustrative scheme demonstrates that the western boundary of the development site will be retained and would be part of a wildlife area which would be fenced off from construction. This would create at least 50m between the construction zone and the adjacent Nature Reserve.
- 12.112 In order to further mitigate potential recreational pressures any reserved matters application will, as indicated in the ecology assessment, need to provide an appropriate level of public green spaces. The submitted parameter plan shows this, and any reserved matters submission would need to reflect a similar approach.
- 12.113 The additional mitigation measures proposed by the application include:
- construction site safeguarding measures are recommended during the construction period to prevent harm to foraging badgers:
 - Sensitive Lighting Plan
 - Appropriate protection for birds during construction periods
 - Obtain a dormouse European Protected Species Licence
 - Reptile Mitigation Strategy
 - Protect any hedgehogs during construction
- 12.114 Furthermore, the provision of a new species-rich hedgerow would be planted to compensate for the two sections being removed along the eastern boundary and this should include a new species-rich hedgerow that runs north to south between the wildlife area and the development.
- 12.115 In addition the report recommends the following measure to enhance the site for a range of species at least 10 bat boxes and 10 bird boxes would be erected onto the new dwellings. In addition, 10 bat boxes, 10 bird boxes and 5 dormouse boxes would be erected onto retained trees within the existing habitat boundaries. These boxes would be in addition to any required for mitigation as detailed in the sections

above. Three hedgehog homes would be placed within the wildlife area and new mixed scrub buffer zone.

12.116 With the implementation of these mitigation measures, the potential for residual effects on the adjacent nature reserve is considered to be reduced to the site level, with some increased footfall risk.

12.117 The report states in the conclusion:

“The most significant impacts as a result of the proposed development are the removal of two sections from the eastern boundary and the removal of a large amount of bramble scrub and rough other neutral grassland habitat which support foraging bats, nesting birds, dormice, great crested newts, reptiles and brown hairstreak butterflies. An EPS licence would be required for dormice, and a District Level Licence would be applied for with regards to great crested newts.

The creation of a buffer zone of native species-rich mixed scrub dominated by blackthorn and hawthorn as well as the creation of a wildlife area comprising mostly of mixed native scrub and wildflower grassland created around the play area to the east would provide compensation for the habitat losses described above. New species-rich hedgerows would compensate for the two sections of the eastern boundary hedgerow/ tree line being removed for access roads.12

12.118 In relation to potential development impact on Great Crested Newts Nature space have advised that the appropriate District Licence has been obtained accordingly there is no objection to the application.

12.120 It is considered the above subject to the appropriate condition address the concerns raised in regard to establishing that residential development can be accommodated on this site without adverse impact on the ecology of the site or Batchelors Farm Nature Reserve.

Biodiversity Net Gain

12.121 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

12.122 The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states: ‘The condition is that the development may not be begun unless— (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and (b) the planning authority has approved the plan (see paragraph 15).

12.123 The proposed development is subject to the mandatory 10% BNG.

- 12.124 The applicant has provided sufficient information details to show compliance with the requirements to achieve biodiversity net gain, and this will be addressed by the statutory planning condition to ensure that prior to commencement of development and Biodiversity net gain plan shall be submitted for approval.
- 12.125 The submitted Biodiversity Impact Calculation indicates a loss of -24.81% in habitat units and a gain of +19.62% in hedgerow units which is contrary to the Mid Sussex District Plan 2021-2039 DPN2, current legislation and national policy which all require an increase of 10% BNG. This is addressed by the recommendation in the Biodiversity Impact Calculation () for the purchase of biodiversity units from a habitat bank registered on the biodiversity gain site register to achieve a net gain of at least 10%.
- 12.126 This will be addressed by planning condition. As this is a prior to commencement condition the planning permission cannot be implemented until this condition is discharged.
- 12.127 Overall, the development is considered compliant with Policy DP38 of the MSDP.

Infrastructure

- 12.128 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the MSDP. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:
- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
 - b) An Affordable Housing SPD
 - c) A Development Viability SPD
- 12.129 The NPPF sets out the government's policy on planning obligations in paragraphs 56 and 58 which states:

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

and:

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

- a) necessary to make the development acceptable in planning terms.*
- b) directly related to the development; and*

c) fairly and reasonably related in scale and kind to the development.

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

- 12.130 The Council's Development and Infrastructure SPD were adopted in July 2018. Since that time, the PPG has been amended so as to discourage the use of SPDs for setting out formulaic approaches to contributions, on the grounds that these should be the subject of independent examination and should therefore be included in a Development Plan Document. This is the approach the Council has taken with regards to the Submission Draft District Plan, which is currently at examination.
- 12.131 Appendix 5 of the Submission Draft District Plan sets out the Council's approach for securing infrastructure under this plan. As part of the evidence base for the Submission Draft District Plan, the Council has produced an Infrastructure Delivery Plan (IDP). The IDP (which underpins Appendix 5) sets out the key infrastructure that will be required to support the objectives, spatial strategy and the delivery of the District Plan over the Plan period to 2039, identify where and when the infrastructure is required, who is responsible for delivering it, the cost of provision (if known) and how these costs are expected to be funded.
- 12.132 Build costs have risen substantially since the "Development Infrastructure and Contributions" SPD was adopted in July 2018. It is critical that new development mitigates its impact on local residents and communities. The Council revoked the SPD on 14th July 2025 and now relies on more up-to-date evidence on infrastructure costs by using Position Statement 2: Infrastructure, which has been approved by the Council as a material consideration. This Position Statement applies to all application received from 11th December 2025. As this application was received in October 2025, Appendix 5 of the Submission Draft District Plan has been used to calculate all Section 106 contributions due as this is based on the IDP, which (although it has not been the subject of examination) is the most up-to-date evidence available and is considered by officers to be robust, and your Planning Officer notes that there were no objections to Appendix 5 of the Submission Draft District Plan, which is also relevant to the weight that can be given to it.
- 12.133 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the NPPF, the infrastructure set out below is to be secured via a planning obligation.
- 12.134 The final figures will not be known as this stage because this is an outline planning application, and the final mix of housing is not known at this stage. The figures provided at this stage will be based on average occupancy to provide Members with an indication of the quantum of infrastructure contributions. Therefore, a formula will be used in the legal agreement to calculate the contributions when the final mix of housing is known at the reserved matters stage.
- 12.135 Set out below are the requested contributions

WSSC Infrastructure Requests

Primary School contribution - shall be spent on additional facilities at Birchwood Grove Community Primary School, or another primary school in the planning area of Burgess Hill, should this be more suitable at the time that the contribution is made.

Secondary education contributions - shall be spent on additional facilities at The Burgess Hill Academy, or another secondary school in the planning area of Burgess Hill, should this be more suitable at the time that the contribution is made.

Further secondary education contributions - shall be spent on additional facilities at St Paul's Catholic College Sixth Form.

Libraries contribution – shall be spend towards expanding capacity at Burgess Hill library.

TAD contribution

Travel Plan monitoring fee.

MSDC Infrastructure Requests

30% Affordable Housing

Community Buildings a contribution of £38,490 is required for community buildings. This contribution to be used for improvements to Cherry Tree Centre, Fairfield Road, Burgess Hill and/ or Park Centre, Park Road, Burgess Hill and/or Cyprus Hall, Cypress Road, Burgess Hill.

Play Space a contribution of £98,842 is required: This is split: £55,042 for equipped play areas and £43,800 as other outdoor provision. The contribution for play space should be for improvements to play equipment at Folders Meadow play area. The contribution for older children for other outdoor provision should be for improvements at Folders Meadow play area and/or other outdoor provision at Queens Crescent Park, Burgess Hill.

Formal Sports a contribution of £39,245 is required for formal sports. This contribution should be spent towards improvements to sport and ancillary facilities at the Centre for Outdoor Sport, Burgess Hill and/or The Triangle, Burgess Hill and/or St Johns Park, Burgess Hill.

Local Community Infrastructure a contribution of £28,090 is required for local community infrastructure. This contribution should be spent on the Burgess Hill Place & Connectivity Programme and/or CCTV at St John's Park, Burgess Hill and/or public realm improvements at St John's Park.

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

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

Ashdown Forest

- 12.138 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority – in this case, Mid Sussex District Council – has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).
- 12.139 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.140 A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

- 12.141 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.
- 12.142 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.143 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

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

- 12.145 The proposed development was modelled in the Mid Sussex Transport Study as a development proposed to be allocated through the Submission Draft Mid Sussex District Plan (December 2023) such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal. This is also supported by the Submission HRA (May 2024) undertaken for the District Plan which concludes that the Mid Sussex District Plan will not result in adverse effects on the integrity of the Ashdown Forest SPA/SAC regarding atmospheric pollution, either alone or in combination with other plans or projects.

Conclusion of the Habitats Regulations Assessment

- 12.146 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 12.147 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.148 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Other Matters

Archaeology

- 12.149 The applicant has submitted an archaeological assessment of the site.
- 12.150 The council consultants advise that the West Sussex Historic Environment Record shows that the proposed development is located in an area with the potential for significant archaeological remains to survive.
- 12.151 While they have no objection to the scheme, in order to understand the sites potential, they require conditions relating to the submission and implementation of an approved scheme of investigation with a concluding report.
- 12.152 The development is therefore considered compliant with policy DP34 of the MSDP.

Contaminated Land

- 12.153 Paragraph 196 of the NPPF states *'Planning policies and decisions should ensure that:*
- a) *a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation).*

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

- 12.154 The applicant has submitted a Phase 1 Desktop Study Report. The report concludes that further investigation is required to confirm the nature and extent of contamination and to inform any potentially necessary remediation plan.
- 12.155 On the basis of this your Contaminated Land Officer has not objected subject to appropriate conditions namely prior to commencement scheme of investigation. With such a condition in place it is considered that the application would comply with the guidance in paragraph 196 of the NPPF.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the development plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP) and the Site Allocations Development Plan Document (SADPD).
- 13.2 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 13.3 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Burgess Hill as defined by the District Plan. As such the site is located within the defined Countryside.
- 13.4 Policy DP12 of the MSDP refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposed development does not meet all of the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.
- 13.5 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.

- 13.6 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF. At the present time, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF. In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development, having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.
- 13.7 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policies DP12 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application.
- 13.8 The proposal would provide up to 26 dwellings, including 30% affordable housing. Given the inability of the Council to demonstrate a five-year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.
- 13.9 In respect of its landscape impact, it is accepted that there will be a change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. This significant change in character will also be visible from the adjacent public rights of way. In order to meet the housing needs of the district, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.
- 13.10 The proposal would provide up to 26 dwellings, 30% of which would be affordable. The proposal complies with policies DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.
- 13.11 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.
- 13.12 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 13.13 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. The applicants are proposing to provide a net gain on site. This would comply with the relevant requirements. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case above the mandatory 10%), should be given positive weight in the planning balance.

- 13.14 There are no objections to the scheme from the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 13.15 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 13.17 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 13.18 Weighing against the application is the conflict with Development Plan in relation to policies DP6, DP12 and DP15 of the MSDP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five-year housing land supply.
- 13.22 In light of all the above it is considered that the proposal complies with policies DP17, DP20, DP21, DP22, DP26, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on a site that is not allocated in the Development Plan for housing. Whilst the site is proposed to be allocated for housing in the Submission Draft District Plan, the weight that can be attached to this document at present is minimal because of the stage the plan is at in its examination, and the unresolved objections to this plan. Nonetheless, the site selection process which underlies the Submission Draft District Plan supports the conclusion that DPA1 is one of the most suitable and sustainable sites which is capable of helping to meet the Council's housing need.
- 13.24 Taking all of this into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the Development Plan that have been referred to in this report, the proposal does conflict with the Development Plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.
- 13.25 The Council have approved Position Statement 1: Delivering Sustainable Development in Mid Sussex, which is a material consideration in determining of planning applications. It sets out that the Council continues to support the delivery of the housing sites and sustainable communities identified for development in the Submission Draft District Plan, of which the application site is one (policy DPA1 refers). It is considered that the application complies with this Position Statement and the general requirements of the proposed allocation policy and this is a material consideration that can be given positive weight in support this application.
- 13.26 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the

Development Plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

- 13.27 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.
- 13.28 The proposal would provide up to 26 new dwellings at a time when the Council cannot demonstrate a five-year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 13.29 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the public right of way network, the landscape infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.
- 13.30 It is your Planning Officer's view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. The development hereby permitted must be begun either not later than the expiration of eighteen months from the final approval of the reserved matters or, in the case of

approval on different dates, the final approval of the last such matter to be approved.

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

2. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority, in line with the in line with the 'Ecological Appraisal (South of Huntsland) (Aspect Ecology, January 2025) and Confidential Appendix: Badger Survey Results and Assessment (Aspect Ecology, December 2024) further 'Consideration of Planning Consultation Response from Place Services (dated 24th March 2025)' (Aspect Ecology, April 2025). The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details,

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

3. Any works which will impact the breeding / resting place of Hazel Dormouse, shall not in in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended); or
 - b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998

4. No development shall take place (including any demolition, ground works, site clearance) until a Reptile Method Statement has been submitted to and approved in writing by the local planning authority. The content of the Reptile Method Statement shall include the following:
 - a) purpose and objectives for the proposed works.
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used)

c) extent and location of proposed works shown on appropriate scale maps and plans.

d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.

e) persons responsible for implementing the works.

f) initial aftercare and long-term maintenance (where relevant); disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (as amended) and s17 Crime & Disorder Act 1998.

5. Prior to any works above slab level and concurrent with reserved matters, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Impact Assessment (The Ecology Co-op, March 2025), shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures.
 - b) detailed designs or product descriptions to achieve stated objectives.
 - c) locations of proposed enhancement measures by appropriate maps and plans (where relevant).
 - d) persons responsible for implementing the enhancement measures.
 - e) and details of initial aftercare and long-term maintenance (where relevant).7

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

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

6. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

7. 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

8. Prior to or in conjunction with the submission of Reserved Matters application for the development hereby permitted, details of a scheme for the disposing of surface water by a means of sustainable drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved drainage strategy and discharge rates as contained within the approved Flood Risk Assessment/Drainage Strategy dated November 2025. The scheme shall be implemented in full in accordance with the approved details prior to first use of the development. The submitted details shall:
- o Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge from the site via a proposed Sustainable drainage system and the measures taken to prevent pollution of the receiving surface waters.
 - o Demonstrates that the proposed surface water drainage system does not surcharge in the 1 in 1 critical storm duration, flood in the 1 in 30 plus climate change critical storm duration or the 1 in 100 critical storm duration,
 - o Demonstrates that any flooding that occurs when taking into account climate change for the 1 in 100 critical storm events in accordance with NPPF does not leave the site uncontrolled via overland flow routes

Reason: To ensure the flood risk is adequately addressed and not increased in accordance with NPPF and Policy 38 in Horsham District Planning Framework.

9. Prior to first use of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include photographs of excavations and soil profiles/horizons, any installation of any surface water structures and Control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 of the MSDP.

10. The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include I.
- I. a timetable for its implementation
 - II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect,
 - III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy 38 of the MSDP.

11. No development shall commence until a scheme that addresses the issues of acoustics, ventilation and overheating (AVO) has been submitted to and agreed in writing by the Local Planning Authority. Good acoustic design shall be fully integrated into the scheme. The hierarchy of good acoustic design (GAD) shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS). The scheme shall
- a) outline the level of noise exposure for each property and how the noise level within any domestic living room or bedroom, with windows open for normal ventilation, shall comply with the desirable internal noise levels as outlined in Table 2.1 of BS8233:2014 and
 - b) outline how the noise level within any domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00, in line with WHO NNGL 2007.
- Where the standards in (a) or (b) above cannot be achieved following GAD and with windows open, only then shall the scheme show how those standards will be met with windows closed and how adequate ventilation and cooling will be provided. and unless otherwise agreed in writing by the Local Planning Authority, Where windows must remain closed to achieve acceptable internal noise levels, an overheating assessment must be undertaken with accordance with CIBSE. The cooling hierarchy shall be applied to the scheme.
- The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling.
- If as a last resort mechanical ventilation is to be used, it must be demonstrated that it still complies with internal noise levels while providing sufficient ventilation.
- Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.
- All acoustic reports submitted in relation to the scheme shall include characterisation of uncertainty and shall demonstrate the adoption of good practice to minimise uncertainty.

12. Construction hours: Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:
- Monday to Friday: 08:00 - 18:00 Hours
 - Saturday: 09:00 - 13:00 Hours
 - Sundays and Bank/Public Holidays: no work permitted

Reason: To protect the amenity of local residents and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

13. Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:
- Monday to Friday: 08:00 - 18:00 hrs
 - Saturday: 09:00 - 13:00 hrs
 - Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

14. Construction Environmental Management Plan: Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of:
- measures to monitor and control noise and vibration affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking).
 - dust management plan - monitoring and control in accordance with industry best practice
 - control of artificial illumination
 - complaints procedure and site contact details in case of complaints from nearby residents.

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

Reason: To protect the amenity of local residents from noise and dust emissions during construction and to comply with policy DP29 of Mid Sussex District Plan 2014-2031.

15. No earthworks shall commence unless and until details of the existing and proposed site level and finished slab levels including cross sections have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

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

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

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

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

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

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

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

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

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

20. No dwelling be first occupied until the site access works have been completed in accordance with the details shown on the drawing titled 'Proposed Access Road Extension' and numbered ITB9155-GA-048 revision C.

Reason: To provide safe and suitable access into the proposed development and to accord with and Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

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

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

22. The development shall not be occupied until confirmation has been provided that all foul water network upgrades required to accommodate the additional flows from the development have been completed. This system shall then be maintained for the lifetime of the development.

Reason: To ensure satisfactory foul drainage and to comply with policy DP41 of the Mid Sussex District Plan 2014-2031

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

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

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

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

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

25. (1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.

(2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.

(3) The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

Reason: The site is of archaeological significance, and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy DP35 of the Mid Sussex District Plan 2014 -2031.

26. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, shall each be submitted to and approved, in writing, by the local planning authority:
- (a) A site investigation scheme, based on the Phase 1 Desktop Study Report submitted by Stantec, dated 25th April 2019, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

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

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

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

27. Prior to the completion of the development hereby permitted, a verification report prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that any remediation scheme required and approved has been implemented in full and in accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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

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

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

Biodiversity Net Gain

1. This permission is considered to be one **which will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.
Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
2. As part of the Building Regulations 2004, adequate access for firefighting vehicles and equipment from the public highway must be available and may require additional works on or off site, particularly in very large developments. (BS5588 Part B 5) for further information please contact the Fire and Rescue Service.

3. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged, then a lawful start will not have been made, and you will be liable to enforcement action.
4. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers' advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
5. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework
6. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex County Council. It is advised to discuss proposals for any works at an early stage of proposals. Further details can be found: Ordinary watercourse land drainage consent - West Sussex County Council
7. The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Location Plan	2501/PL.01		15.10.2025
Other	2501/PL.02		15.10.2025
Other	2501/PL.03		15.10.2025
Other	2501/PL.04		15.10.2025