

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3050	Case Officer:	Rachel Richardson
Application Type:	Full Application		
Proposal:	Demolition of existing detached dwelling ☐ tennis court. Construction of replacement dwelling with lower ground floor to be concealed from Bolney Chapel Rd. New access onto Bolney Chapel Rd, new driveway with associated hard and soft landscaping works. Construction of single storey outbuildings at lower ground floor level, concealed from Bolney Chapel RD.		
Site:	Land Adjacent To Loxley (Riverside), Bolney Chapel Road, Twineham, Haywards Heath, West Sussex, RH17 5NN, ,		
Validation Date	16 Dec 2024	Overall Expiry Date:	8 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 Jul 2025
Target Date:	10 Feb 2025	Recommending Officer Signature:	<i>Rachel Richardson</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	22 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3050

**Land Adjacent To Loxley (Riverside), Bolney Chapel Road, Twineham, Haywards Heath, West Sussex, RH17 5NN,
Demolition of existing detached dwelling □ tennis court. Construction of replacement dwelling with lower ground floor to be concealed from Bolney Chapel Rd. New access onto Bolney Chapel Rd, new driveway with associated hard and soft landscaping works. Construction of single storey outbuildings at lower ground floor level, concealed from Bolney Chapel RD.
Mr R Carr**

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

Flood Risk and Drainage: Recommends condition.

Conservation Officer: Concerns about the increased height of the frontage of the building and the extensive rear annexe which may result in the building becoming unduly prominent from various points along Bolney Chapel Road thereby detracting from Hookers Farm historic farmstead (Grade II listed farmhouse). Request for more contextual information.

Trees and Landscape Officer: No further comment on amended drawings. It was previously considered that the native trees and hedgerows to be planted, and the mix/percentage of species selection, are considered to be suitable.

Environment Agency: No objection subject to planning condition.

WSCC Highway Authority: No objection.

NatureSpace: Recommends informatives.

TOWN/PARISH COUNCIL OBSERVATIONS

Twineham Parish Council objects on the grounds of the overall increase in height of the replacement dwelling. The amended drawings show an increase of 0.6m over and above an earlier increase in height of 0.86m, which is a total increase of 1.46m.

The Conservation Officer should be consulted and comment on this issue.

If permission is granted a landscaping condition should be added to the decision to ensure the long term longevity of trees are maintained.

INTRODUCTION

Permission is sought for the construction of a replacement dwelling with access onto Bolney Chapel Road and associated hard and soft landscaping works. This description on the application form states that, this is largely as approved under application DM/24/1727. The difference under this application is

for the construction of single storey outbuildings, increase in size of swimming pool and an increase in ridge height of the dwelling by 1.46m to overcome drainage and flood risk matters.

RELEVANT PLANNING HISTORY

DM/21/3351: Demolition of 4 bedroom, two storey detached dwelling and self-contained 1 bedroom flat. Erection of new 5 bed two storey, detached dwelling in same location. Extension and conversion of existing single storey 1 bed cottage in garden to form new self-contained 3 bed single storey dwelling. PERMISSION

DM/22/1264: Demolition of 4 bedroom, two-storey detached dwelling and self-contained 1 bedroom flat (C3 use class). Construction of a replacement two-storey detached six bedroom dwelling in the same location. Extension and conversion of existing single-storey 1 bedroom cottage in garden to form a new self-contained 3 bedroom single-storey dwelling. Associated hard and soft landscaping works. PERMISSION

DM/22/2381: Demolition of existing detached dwelling and tennis court. Construction of replacement dwelling with lower ground floor to be concealed from Bolney Chapel Road. New access onto Bolney Chapel Road and new driveway with associated hard and soft landscaping works. (Amended plans relocating access point and Heritage Statement 05.04.2023). PERMISSION

DM/24/1727: Variation of conditions No's 1 and 4 of planning permission DM/22/2381 to allow for revisions to the approved drawings with the addition of a swimming pool and amendments to the drainage design. PERMISSION.

DM/24/1728: Discharge of Conditions

SITE AND SURROUNDINGS

The application site is located to the eastern side of Bolney Chapel Road and the site has been dug over. However, the site block plan and aerial maps show that the site once contained a tennis court centrally positioned and close to Bolney Chapel Road and two small buildings to the north. The site block plan shows a detached property adjoining the site to the north which was formerly Loxley and is now East Hookers (this site boundary has been formerly shown as edged in blue and under the same ownership).

To the south west of the site on the opposite side of Bolney Chapel Road is Hookers Farm, which includes a Grade II Listed Farmhouse, with the site leading onto open countryside and a stream to the eastern (rear) of the site.

Holmbush Gill which is a deep valley containing a stream runs alongside the southern boundary of the application site. The levels rise across the site in a northerly direction and from the rear the front in a westerly direction.

The application site is designated within the Mid Sussex District Plan as being within the Countryside.

APPLICATION DETAILS

Permission was granted under DM/22/2381 for a replacement dwelling, access and landscaping. This was subsequently amended under DM/24/1727 (variation of condition application) which granted permission for revised drainage detail, addition of swimming pool and pool plant room, minor increase to below ground footprint and stepped retaining/garden wall.

DM/24/1728 approved planning conditions for materials, landscaping, site levels (+9.98m at lowest lower ground level) and construction details.

This application seeks full permission as an amendment to these earlier permissions and in addition to the above, now proposes:

- o Revised levels in conjunction with Flood Risk
- o Outbuildings which are set behind the already approved retaining / stepped garden wall. These include a shed, and gym/sauna/office/recording studio.
- o Increase in length of swimming pool by an additional 3m.
- o All information necessary to address all conditions that were applied on the previous application to negate any discharge conditions being applied.
- o Provision of flood compensation where there is an encroachment on flood maps

Following consultation responses (in relation to flood risk and drainage), drawings were revised to increase the ridge height (compared to DM/24/1727) of the approved dwelling, by 1.46m.

The original drawings under this application illustrated a lowest lower ground floor level as +10.84m, designed in accordance with the Design Flood Level (DFL), constituting an increase of 860mm compared to the lowest lower ground level approved under DM/24/1728.

However, following comments from MSDC drainage engineers and the Environment Agency, drawings were revised again to increase the lowest lower ground floor by a further 600mm to allow for a 'free board'. The lower ground floor plan now shows the lowest lower ground floor level as +11.44m. (The free board is the buffer/no flood area, above which the flood level is represented).

This application also proposes

- o Some changes to external landscaping, and
- o Provision of a site section with 'fixed datum' (road provided as fixed datum) to illustrate the difference between existing and proposed levels.

The proposed gym building would sit to the northern side of the swimming pool and at the rear of the dwelling. It is an 'L' shaped building with an overall length of approximately 28m, although its main range measures 26m and 3m deep extending to 4.3m where it projects into the patio/terraced area. The northern elevation of the main range extends further north by around 6.7m. The proposed elevations show this gym building as a flat roofed single storey structure of about 3.6m in height. Materials will be in facing brickwork to match the approved sample.

The proposed shed would sit to the north some 8m away and measures 5.9m wide by 4.4m deep and 2.4m in height. It is a timber clad pitched roof structure.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad

statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

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

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

Mid Sussex District Plan

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

Relevant policies:

Policy DP12 (Protection and Enhancement of the Countryside)
Policy DP13 (Preventing Coalescence)
Policy DP15 (New Homes in the Countryside)
Policy DP26 (Character and Design)
Policy DP34 (Listed Buildings and other Heritage Assets)
Policy DP41 (Flood Risk and Drainage)

Site Allocations DPD

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

Relevant policies.

None.

Twineham Neighbourhood Plan

The Twineham Neighbourhood Plan was made on 24 March 2016

Relevant policies:

TNP1: Delivery of Housing
TNP2: Design
TNP4: Landscape and Environment

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In

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

Relevant policies:

DPC1: Countryside

DPB1: Character and Design

DSP4: Flood Risk and Drainage

DPB2 - Listed Buildings and Other Heritage Assets

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

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

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

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

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

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

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

National Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

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

- o Principle
- o Design and Impact on the Landscape Character of the area
- o Flood Risk and Drainage
- o Impact on Setting of Listed Building
- o Highways
- o Impact on Residential Amenity
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Principle

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

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

Policy DP12 of the District Plan refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

Policy DP6 of the District Plan states in part that:

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

1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and
2. The site is contiguous with an existing built up area of the settlement; and
3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'

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

Policy DP15 of the District Plan refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;

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

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

However, special justification also includes a replacement dwelling under certain criteria and these criteria (residential use has not been abandoned, transport aspects can be met and the replacement dwelling maintains the natural and or built landscape, especially if a significant change in scale from the existing dwelling is not proposed).

While the site is now empty with no buildings it is considered that the development has been previously established by virtue of the previous permissions. The current proposal is not seeking to make changes to the footprint of the first floor (which is at road level), it is seeking to increase the ridge height of the dwelling to rectify flood levels in accordance with the drainage and flood risk requirements.

The proposed increase in height of the dwelling, the provision of the outbuildings and other modifications including the increase in length of the swimming pool, will need to be assessed in terms of design and visual impact on the landscape character of the countryside as well as impact on setting of the listed building.

As such, there are other relevant policies in the District Plan, any other development plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site. There is some compliance with Policy DP12, insofar as the development is deemed to maintain or enhance the quality of the rural and landscape character, as demonstrated in the design/visual amenity, the principle of the application does not conflict with the development plan, in terms of what type of development is allowable under Policies DP6, DP12 and DP15.

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

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

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

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

'For decision-taking this means;

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

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

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

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

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

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

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

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

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

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

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

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

Policy DP13 (Preventing Coalescence) seeks to protect the separate identity of settlements and as such does seek, alongside policy DP12, to restrict certain forms of development. As with DP12, it is not considered that this policy directly relates to the supply of housing however, for the same reasoning as above, the weight that can be given to this policy is moderate.

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

Neighbourhood Plan Policy TNP1 (Delivery of Housing) allows for new housing where it respects or enhances the local character of the natural and historic environment and will not result in coalescence of existing settlements, inter alia. It is considered that this policy should have the same full weight afforded as DP15.

TNP4 (Landscape and Environment) requires that all new development will be supported where it respects the local landscape quality so similar weight should be afforded to this policy as DP12 and DP13, which is moderate.

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

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

Design and Impact on Landscape Character

Policy DP12 states that where another specific policy elsewhere in the plan maintains the quality of the rural landscape character of the District, it will seek to permit development within the countryside.

Policy DP26 states that:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

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

Policy TNP2 (design) states:

'All development should be of good design consisting of the best practice standards for well-designed new homes and neighbourhoods in force at the time, contemporary and innovative design is encouraged where appropriate. This means development should:

- o Include energy and water efficiency measures*
- o Use quality materials, these should be sustainably and locally sourced where feasible.*
- o Apply space standards taking into account the user, circulation space and the need for storage*
- o Contribute positively to the local character and rural setting*
- o Recognise that architectural integrity is of paramount importance and respond in a coherent way*
- o Not be dominated by parking and hard surfacing*
- o Utilise appropriate landscaping'*

Policy TNP4 (landscape and environment) states:

'New development will be supported which is in accordance with other policies of the plan and:

TNP4.1 Respects local landscape quality ensuring that views and vistas are maintained wherever possible.

TNP4.2 Takes every opportunity, where practicable and viable, to incorporate features that improve its environmental performance thereby reducing carbon emissions. These can include both energy efficiency measures and sources of renewable energy.

TNP4.3 All development schemes submitted must be accompanied by a landscaping scheme which aims to retain amenity and historic trees and hedges. New tree and hedge planting of native species will be encouraged throughout Twineham Parish.'

In terms of the design of the approved replacement dwelling under DM/24/1727 it was considered that, *The proposed changes are mostly related to internal alterations and an enlargement to the lower ground floor. When viewed from the south western (frontage) from Bolney Chapel Road, the proposed dwelling would retain the same design and appearance of a single storey rural building, with a mixture of roof pitches that help to break up the massing of the building. The frontage of the building was assessed as part of the previous application (DM/22/2381) and was considered acceptable.*

The enlargement of the lower ground floor and associated external landscaping would not be widely visible from public view points and if visible would be viewed in context of the existing approved dwelling and the residential use of the site.'

In terms of the design and character of the proposed dwelling, as revised and under this application, the difference is the change in height to address the flood and drainage requirements. In terms of visual impact from Bolney Chapel Road, the pertinent drawing is PL208 C which shows site sections, east - west and north-south. The red dotted line shows existing levels and the black line above it illustrates the proposed levels and shows that the dwelling will sit up on higher levels to compensate for flood mitigation. The form, bulk and proportions, in other words the overall scale of the replacement dwelling, will be the same as that already approved. It is also important to note that, when viewed from the road, the line of sight above the boundary vegetation will be above the height of the dwelling, and therefore, it's visual presence and building mass, will be predominantly screened.

While in longer distance views, the dwelling will be more elevated, there are no public rights of way nearby. The closest public right of way lies some 310m away to the south (TWI/3T/1) and just on the northern edge of the village of Twineham. Given that the dwelling has already been approved on the same footprint and with the same appearance, it is considered that there are not grounds to refuse the application due to its elevated levels to mitigate flood risk and drainage and that its visual harm is not materially detrimental to the surrounding landscape character. The landscaping proposals are also comprehensive and confirm that a double width native hedgerow totalling 60m along Bolney Chapel Road will be planted and maintained to a height of 3m. The only gap will be for vehicular access. There is also tree planting proposed behind this and a further hedgerow to border the parking and wildflower grass meadow planting.

It is acknowledged that the proposed outbuilding containing the gym/office etc is substantial in terms of its footprint. However, it is single storey and flat roofed and will be to the rear of the dwelling and obscured from surrounding views by the approved retaining wall on its northern side. The cross-section drawing illustrates the fall in levels on an east- westerly axis from front to rear boundaries. As such, it is therefore considered that this building would not be visually detrimental to the surrounding landscape character. There will also be 95m of native hedgerow planted along the northern boundary. This will also assist with screening the proposed shed. The shed is a typical garden structure which, due to its timber clad appearance will be visually sympathetic with its countryside setting.

The applicant has issued a rebuttal statement to the Parish Council comments, to confirm that the single storey addition will not be visual from the lane and concealed with the topography. Also the proposed green roof ensures that the building will visually harmonise within its verdant setting. It should also be noted that the buildings as a whole, will be built within close proximity to one another and therefore within a consolidated footprint and not spread into the wider countryside.

As such the proposed development is considered to be of an appropriate design, size and scale, that is in-keeping with the rural locality and would comply with policy DP12 and DP26 of the Mid Sussex District Plan, Policy TNP2 and TNP4 of the Neighbourhood Plan, the Mid Sussex Design Guide SPD and national guidance contained within the NPPF.

Flood Risk and Drainage

DP41 states:

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

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

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

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

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

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

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

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

Following extensive drainage information being submitted, the Council's drainage engineers have confirmed last reported that:

'Due to the level of detail submitted we have recommended a pre-occupation condition that requires drainage to be built as per the submitted plans. If any alterations to the development are submitted, then we will need to review this recommendation.'

Given the above, it is now considered that the development can be built in accordance with flood and drainage legislation to satisfactorily mitigate flood risk. As such, it is considered that the proposed development is compliant with DP41.

Impact on Setting of Listed Building

The LPA is under a duty by virtue of s.66(1) of the Listed building and Conservation Area (LBCA) Act 1990 (General duty as respects listed building in exercise of planning functions);

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Case law has stated that;

'the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of

conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'

The Court further stated on this point;

'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrefutable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'

DP34 states in part that listed buildings and their settings will be protected and that a thorough understanding of the significance of the listed building and its setting has been demonstrated which should be proportionate to the importance of the building and potential impact of the proposal.

The application is supported by a Heritage Statement which acknowledges that the listed building would have views of the proposed dwelling but concludes that with adequate screening and depth of planting this should prove adequate enough to further not have any detrimental effects upon the historic farmstead. However, it should be noted that this report was last updated on 31.03.2023 so prior to the submission of this application.

The Conservation Officer has commented as follows:

The application site is a garden area including a detached building and tennis court to the east side of Bolney Chapel Road, within the setting of the historic farmstead at Hooker's Farm, which includes a Grade II Farmhouse. Planning permission was granted under DM/22/2381 for demolition of the existing building on the site and construction of a new dwelling over two storeys, the lower of which is to be sunk into the gradient of the site, with access from Bolney Chapel Road and associated hard and soft landscaping. This application was subsequently amended under DM/24/1727.

The current proposal is in effect for further amendments to the approved scheme including an increase in ridge height of 1.46m to the approved dwelling, construction of an extensive annexe at lower ground floor level to the north east corner of the house, increase in the size of the approved swimming pool, and addition of a detached shed to the north.

I have made an assessment in my comments on the above mentioned previous applications as to the nature of the significances of the farmhouse and other buildings within the Hooker's Farm historic farmstead, and the contribution of setting to these, and will not repeat that here except for the key point that the rural setting of the farmstead makes a strong positive contribution in that respect, including in terms of views looking towards the farmstead, and the approach to it from the south Bolney Chapel Road. The site forms part of these views. It also contributes to the character of the approach to the farmstead from the north along this road.

The current proposal raises the height of the roof ridge to the frontage building (the house) by 1.46m due to flooding concerns, which seems to be achieved by building up of ground levels, rather than increasing the height of the building itself. Notwithstanding this, this is likely to render the building more visually prominent from Bolney Chapel Road, including in views from the road directly outside the site, diagonally opposite the farm access, which also include the listed farmhouse and currently place it in a largely rural setting.

The proposed rear annexe building is as noted above extensive in terms of its footprint. Although the agent states that due to its location at lower ground floor level it will not be visible from outside the site, no evidence such as appropriate verified views has been provided to support this. I am concerned that the form and orientation of this annexe, extending eastwards from the main house at approximately 90 degrees to Bolney Chapel Road, is such that with the surrounding topography it may be visible, if not prominent, in views looking northwards along the road which also include the historic farmstead, particularly with the associated regrading and landscaping of the site factored in, and particularly in winter. If the annexe were visible in these views it would again detract from the character of the setting of the farmstead, particularly as its form and design are not sympathetic to the rural context. However, without further contextual information (such as longer sections and verified views) I find it very difficult to comment with any certainty on this aspect of the proposal.

In summary, I have concerns that the increased height of the frontage building and the addition of the extensive annexe to the rear may result in the building becoming unduly visually prominent from various points along Bolney Chapel Road, and I would recommend that further information, including extended sections and verified views from agreed viewpoints along the road, is therefore provided.'

Under DM/24/1727 it was concluded that the proposed development would have a neutral impact on the setting of the listed building.

Given the above planning assessment of the visual impact on the surrounding landscape, it is considered that the regrading of the land to build up the levels on which the house sits, together with the proposed outbuildings and extension of the pool, would not harm the setting of the listed building. Since the Conservation Officer wrote the above comments, the applicant has submitted the cross-section drawing (referred to above) which is considered to demonstrate this. The listed farmhouse lies on the opposite side of Bolney Chapel Lane and is set back from the road and within the setting of the group of existing farm buildings. Permission has already been granted for the dwelling and landscaping and it is considered that the elevated levels for the dwelling, which are necessary to mitigate flood impact, would not harm the significance of the listed building nor its setting.

As such, the proposal is in accordance with DP34 and national guidance contained within the NPPF.

Highways

DP21: Transport, requires, inter alia, that proposed development should be designed to adoptable standards and not be prejudicial to highway safety.

WSCC Highway Authority have stated that they have no objections because from a transport perspective, this proposal is similar to the previously permitted DM/22/2381. As such, and subject to planning conditions there are no transport grounds to resist the proposed development.

The proposed development is therefore compliant with DP21 and national guidance contained within the NPPF.

Impact on Residential Amenity

The officer delegated report for application ref: DM/22/2381, referred to DP26 as set out above and in terms of residential amenity, and also in respect of principles DG45, 46, 47 and 48 of the MSDG, which have a similar ethos.

The Officer report stated that; 'Owing to the rural character of the application site, being set approximately 60m from East Hookers and some 65m from the neighbouring dwelling, Hookers Farm to the south west with screening between it can be reasonably concluded that the proposal would not cause significant harm in regards to overlooking, loss of privacy, reduction in sunlight and daylight and a loss of outlook. Therefore, the proposal is considered to comply with the above-mentioned policies.'

This is also considered to be the case for the current application proposal and as such is compliant with DP26 and the MSDG.

Other

In terms of the planning conditions, the conditions 3 - external materials, 8 - landscaping, 10 - site levels, and 12 - windows and doors, were discharged under DM/24/1728 in relation to planning permission DM/24/1727. The applicant has provided all of the information within this application to avoid further delay with the building works and the need for pre commencement conditions as part of any permission for this application.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises self-build development which is exempt from providing biodiversity net gain. The application is accompanied by a self build statement.

PLANNING BALANCE AND CONCLUSION

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

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP12, DP13, DP15, DP26, DP34 and DP41 and Neighbourhood Plan policies TNP1, TNP2 and TNP4.

As a result, it is considered that the application does not 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'.

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

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

Although only one dwelling, when undertaking the balancing exercise the benefits of the scheme include the provision of jobs for construction workers, positive benefits to the local community of an additional family occupying the site. Environmental benefits include the comprehensive landscaping scheme which is proposed.

Neutral impacts include issues such as design, residential amenity, impact on listed building setting, highways and drainage.

In weighing up these issues, when taken together, it is considered that there are no adverse impacts of the development which would significantly or demonstrably outweigh the benefits of the proposal.

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

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

For the reasons set out within the assessment section, it is considered that the application complies with relevant Mid Sussex District Plan policies, relevant Neighbourhood Plan policies, relevant principles within the MSDG and national policy contained within the NPPF. As such, it is recommended that planning permission be granted.

Decision: Permission

Case Officer: Rachel Richardson