

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1424	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Demolition of agricultural building and replacement with single residential dwelling with associated garage.		
Site:	Alders Farm, Brighton Road, Hurstpierpoint, Hassocks, West Sussex, BN6 9EE, ,		
Validation Date	10 Jun 2026	Overall Expiry Date:	10 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	3 Aug 2026
Target Date:	5 Aug 2026	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	4 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1424

**Alders Farm, Brighton Road, Hurstpierpoint, Hassocks, West Sussex, BN6 9EE,
Demolition of agricultural building and replacement with single residential dwelling with
associated garage.
Mrs G Latimer**

SUMMARY OF REPRESENTATIONS

No letters of representation received

SUMMARY OF CONSULTEES

WSCC Highways Authority - No objection
Flood Risk and Drainage - No objection, recommend conditions and informative
Tree Officer - No objection recommend condition
WSCC Highways Authority - No objection
South Downs National Park Authority - advice given
Street Naming and Numbering Officer - recommend informative

PARISH COUNCIL OBSERVATIONS

The Committee recommends that MSDC grant permission.

INTRODUCTION

The application seeks planning permission for the demolition of agricultural building and replacement with single residential dwelling with associated garage.

RELEVANT PLANNING HISTORY

11/02272/FUL - Proposed erection of an agricultural barn [35m x 15m] and installation of 192 solar panels on roof of barn. Refused

13/03364/FUL - Application for temporary consent for a residential dwelling for the use of the client and her family to facilitate the running of the farm. Granted

DM/16/4199 - Proposed retention of an existing temporary dwelling for a further temporary period at Alders Farm for the use in the proper running of the farm. Granted

DM/20/0585 - Single storey three bedroom agricultural workers dwelling to replace the existing temporary dwelling. Withdrawn

DM/20/2704 - Conversion of temporary residential dwelling to permanent residential dwelling with associated external alterations. Refused (Dismissed at Appeal)

DM/21/2181 - To convert two thirds of the barn into a residential dwelling, with the remaining third retained as storage. Withdrawn

DM/21/3996 - Notification for Prior approval of a change of use of two thirds of the barn into a residential dwelling, with the remaining third retained as storage. The internal layout is arranged with primary accommodation on the eastern elevation and an open plan living / dining area to the western end. All habitable rooms will have new windows / external doors. Refused

DM/22/0666 - Notification for Prior approval to convert the existing barn into a residential dwelling, The internal layout is arranged with primary accommodation on the eastern and western elevations and an open plan living / dining area between. All habitable rooms will have new windows / external doors. Granted

DM/22/2468 - The retention of an existing temporary dwelling for a further temporary period at Alders Farm for the use in the proper running of the farm during the redevelopment of the existing barn into a residential dwelling for the owner. Refused

DM/24/1662 - Proposed conversion of barn into a residential dwelling (Prior Approval). Granted

SITE AND SURROUNDINGS

The site is located between the A23 and Brighton Road within the countryside and consists of part of an open field. The locality is characterised by open fields and woodland with loose knit sporadic residential and agricultural properties.

The site is also located within the setting of the South Downs National Park which is defined by the southern side of Brighton Road with the dwelling itself some 140 metres from the boundary.

The site comprises of part of an open field with areas of trees to the north and east of the site with a gated access in between. The site includes an agricultural barn with paraphernalia and larger area of hardstanding and a number of parked vehicles within the larger field. From the site visit to the property the field in which the proposal would be situated is overgrown with the only farm animals seen were a small flock of geese. A public footpath extends through a field to the north and within the field to the west of the application site which extends parallel with the A23, both public footpaths are within land owned by the application but some distance from the redline boundary of the application site. The site has access along a private drive which extends along the northern side of 1 No. Alders Cottages, which accesses onto the western side of Brighton Road.

The site has significant planning history including two previous permissions for temporary agricultural dwelling on the site (13/03364/FUL and DM/16/4199). Permission was then sort for the permanent retention of this dwelling (DM/20/2704) which was refused due to the insufficient evidence provided to prove that the farming enterprise was economically viable to justify a permanent dwelling on the site and contrary to Policy DP15 of the District Plan and para 79 of the NPPF. This refused was subsequently dismissed at appeal (AP/21/0036).

Prior approvals have also previously been granted on the site (DM/22/0666 and DM/24/1662) for the conversion of the existing barn under Class Q, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The second consent is still extent and the works are required to be completed by 2nd September 2027, no works have yet been commenced.

An application for the for the temporary retention of the existing temporary dwelling on site for the duration of the conversion of the barn was refused (DM/22/2468) for the following reason:

'The site is located in the countryside outside and not contiguous with the defined built up area boundary. The proposal would represent an undesirable form of residential development which has not demonstrated to be essential to its countryside location and in the absence of special justification for the temporary retention of the dwelling, it is considered to represent an unsustainable form of development contrary to policies DP12 and DP15 of the Mid Sussex District Plan and paragraph 80 of the NPPF.'

The temporary dwelling was subsequently removed from the site and there is no existing residential use on site.

APPLICATION DETAILS

The proposed dwelling would replace the existing agricultural barn and would be positioned centrally within the redline site. The proposed dwelling would be single storey and consist of a 3 No. bed property. The dwelling would have a staggered appearance with three separate roof forms with an overall depth

and width of some 16.7 metres and 15.7 metres. The roof forms of the would have an eaves height of some 2.5 metres with the highest ridgeline with a height of approximately 5.40 metres.

The proposal includes a detached double garage which would be positioned to the front of the proposed dwelling. The garage would have a width and depth of some 8 metres and 6 metres, with a pitched roof with an overall height and eaves height of approximately 2.2 metres and 4.3 metres.

The buildings would be constructed in standing seam zinc, timber cladding, powder coated aluminium fenestration with solar panels on three of the roof slopes.

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,*
- b) And 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 Allocation DPD and Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

DP4 - Housing

DP5 - Planning to Meet Future Housing Need

DP6 - Settlement Hierarchy

DP12 - Protection and Enhancement of Countryside

DP15 - New Homes in the Countryside

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP18 - Setting of the South Downs National Park

DP21 - Transport

DP26 - Character and Design
DP27 - Dwelling Space Standards
DP28 - Accessibility
DP30 - Housing Mix
DP37 - Trees, Woodlands and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
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.

No relevant policies.

Hurstpierpoint and Sayers Common Neighbourhood Plan (made September 2016)

Relevant policies:

HurstC1 - Conserving and enhancing character
HurstC2 - South Downs National Park

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 hearings were concluded on 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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:

DPS1: Climate Change
DPS2: Sustainable Design and Construction
DPS4: Flood Risk and Drainage
DPS5: Water Neutrality
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN3: Green and Blue Infrastructure
DPN4: Trees, Woodland and Hedgerows
DPC5: Setting of the South Downs National Park
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH1: Housing
DPH2: Sustainable Development - Outside the Built-up Area
DPH11: Dwelling Space Standards
DPH12: Accessibility

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 Planning Policy Guidance (Where being referred too)

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.

Technical Housing Standards

West Sussex County Council Guidance on Parking at New Developments

ASSESSMENT

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

- The principle of development;
- Fallback position
- Design and Character
- Impact on the Setting of the South Downs National Park
- Impact on the amenities of neighbouring properties
- Impact on future occupants of the development
- Highway Impact and parking provision
- Ashdown Forest
- Flood Risk and Drainage
- Sustainability
- Self Build
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle of Development

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

In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Hurstpierpoint 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 HurstC1 of the Neighbourhood Plan echoes the ethos of this policy and states:

'Development, including formal sports and recreation areas, will be permitted in the countryside, where:

- *It comprises an appropriate countryside use;*
- *It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;*
- *In the South Downs National Park, policy HurstC2 will take precedent.*

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.

There are no 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. Whilst 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 and visual amenity, the principle of the application does conflict with the development plan, in terms of what type of development is allowable under Policies DP6, DP12 and DP15 of the Mid Sussex District Plan and policy HurstC1 of the Hurstpierpoint Neighbourhood Plan.

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 or 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 delivery 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 of the Mid Sussex District Plan (Protection and Enhancement of the Countryside) and policy HurstC1 of the Neighbourhood Plan seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

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

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

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

Fallback Position

The agent has made reference to the Court of Appeal decision *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314 which sets out constitutes 'real prospect' of a fallback development. This judgement also sets out that the weight given is a matter for the decision-maker's judgement and is on as case by case basis.

The building subject to this application benefits from permission to change the use into a 4-bed dwelling under the prior approval procedure. The works must be completed by 2nd September 2027, though none have yet commenced.

A 'fall back' is capable of being a material consideration when determining a planning application. As with any material consideration, the weight to be attributed to it is a matter for the decision-maker.

The submitted Planning Statement sets out the Class Q barn conversion is 'realistic and implementable', however also states that current proposal would introduce a 'viable form of development, which will support the long-term maintenance and improvement of the wider landholding'. An additional statement provided by the agent states that the proposed development 'would provide substantially less floorspace, fewer bedrooms, reduced scale and massing, and a more considered architectural and landscape response' and that it 'would not generate materially greater effects and would instead provide significant comparative betterment'.

It is not disputed that the conversion of the building can currently be carried out under permitted development rights. Therefore, the fallback position is a material consideration in the determination of

this application. However, wider land around the application site is not within the redline of the application and therefore any improvement to the land does not form part of the application and is not a material consideration.

The letter provided by the agent also states that although the Class Q approval has not yet been implemented the replacement-dwelling criteria can be approved due to the overlapping footprints of the existing barn and the proposed dwelling. However, fundamentally the existing barn has not been concerned and therefore there is no existing residential use on the site and the proposal would not constitute a replacement dwelling and therefore not a consideration for this application.

The letter from the agent also refers to a number of appeal decisions where a Class Q approval is a fall back position. A number of these are outside the district with the appeals at Great Wapses Farm and Muddleswood Barn which are located within Mid Sussex District Council, which were allowed and dismissed respectfully. Each application is considered on its own merits and therefore these appeal decisions have not material consideration for the current application.

It is considered that limited weight should be attached to this fallback position as the barn conversion is materially different to the scheme in question, in terms of scale, siting and design, so has a very different impact on the rural character of the area.

Design and Character

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.

Paragraph 187 of the NPPF contains a similar ethos and states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:
a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'

Policy DP26 of the Mid Sussex District Plan states:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*

- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development."*

Paragraphs 131 and 135 of the NPPF state:

'131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

Principle DG38 of the Mid Sussex Design Guide states *'Applicants should establish an architectural approach and identity in the design of building that is borne from the place. The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated. Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:*

- *The elevational treatment and overall façade design;*
- *The placement, proportions and design of windows, doors and balconies;*
- *A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- *The appropriate incorporation of dormer windows and chimneys;*
- *An appropriate palette of good quality materials that are preferably locally sourced.'*

The site is positioned off the main highway and to the rear of No.s 1 and 2 Alders Cottages with an extended private access with solid gates across the entrance. The site is therefore not considered to be visible from the highway. However, there is a public footpath which extends along the western side of the field which would give distant views of the proposal from this right of way, this visibility would be greater in winter months.

It is noted that the existing barn has a utilitarian appearance, however this reflect the agricultural use of the barn which is appropriate in the rural landscape and is not considered harmful. The prior approval granted to convert the barn to a residential property would include the addition of windows and doors to the building, however, would retain the overall agricultural appearance of the building.

The proposed dwelling would be single storey and arranged in three connected sections with separate pitched roofs. This form along with the standing seam metal and timber cladding appear to be an attempt to reflect an agricultural building, however the formation of the three elements of the building along with the fenestration of the proposal would give the building a residential appearance and would not convincingly appear as a converted agricultural building. This would also be compounded by the addition of the domestic garage to the front of the property.

The design of the dwelling is considered to be inharmonious with varying roof pitches, and ridge heights, and fenestration sizes and designs, mixture of materials which vary between elevations, along with intersections between eaves would appear contrived and of poor quality.

The curtilage of the proposed dwelling is also not considered to be appropriately defined, with the proposal consisting of wildflower bunds. The bunds proposed would provide a gradual slope around the dwelling which is considered insufficient to define the curtilage and would result in the potential spread of residential paraphernalia and impact on the rural character of the area.

It is therefore considered that the proposal would amount to poor quality design which would have a harmful impact to the rural character of the area contrary to policies DP12 and DP26 of the Mid Sussex District Plan and policy HurstC1 of the Neighbourhood Plan.

Impact on the setting of the South Downs National Park

The site is located within the setting of the South Downs National Park. Policy DP18 of the Mid Sussex District Plan states:

'Development within land that contributes to the setting of the South Downs National Park will only be permitted where it does not detract from, or cause detriment to, the visual and special qualities (including dark skies), tranquillity and essential characteristics of the National Park, and in particular should not adversely affect transitional open green spaces between the site and the boundary of the South Downs National Park, and the views, outlook and aspect, into and out of the National Park by virtue of its location, scale, form or design.'

Development should be consistent with National Park purposes and must not significantly harm the National Park or its setting. Assessment of such development proposals will also have regard to the South Downs Partnership Management Plan and emerging National Park Local Plan and other adopted planning documents and strategies.'

Policy HurstC2 of the Neighbourhood plan echoes the ethos of this policy.

Paragraph 189 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

The South Downs National Park Authority has commented on the proposal, raising neutral comments, in particular relating to landscaping and external lighting. These matters could otherwise be secured through condition.

Given, the nearby existing residential properties along with the scale of the proposal it is considered that the proposal would have a minor impact on the setting of the National Park which is not considered to detract or be to cause detriment to the visual and special qualities of the South Downs National Park and therefore the above policy would be met.

Impact on Trees

Mid Sussex District Plan policy DP37 states:

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

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

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

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

Proposals for works to trees will be considered taking into account:

- *the condition and health of the trees; and*
- *the contribution of the trees to the character and visual amenity of the local area; and*
- *the amenity and nature conservation value of the trees; and*
- *the extent and impact of the works; and*
- *any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

The Tree Officer has been consulted on the application and raises no objection to the proposal and requests a condition the tree protection measures during the proposed works.

It is therefore considered that the proposal would be acceptable in terms of policy DP37 of the Mid Sussex District Plan subject to a condition.

Impact on the amenities of neighbouring properties

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *'...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'*.

The closest neighbouring properties are No.s 1 and 2 Alders Cottages, which are located some 120 metres from the existing building, which is considered to be a significant distance which would ensure that the proposal would not cause harm to the amenities of these neighbouring properties.

Impact on future occupants of the development

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1st October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.

The proposal is to provide a three bed, six person dwelling which from Officer calculations indicate would meet the floor space standards and therefore comply with policy DP27 of the District Plan and the National Dwelling Space Standards.

Highway Matters and Sustainable Location of the site

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking.

Paragraph 110 of the NPPF in relation to accessibility and sustainable location of the site states that:

'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.

Paragraph 115 of the NPPF is relevant in respect of transport matters and states that:

'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.'*

In addition, para 116 states *'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.'*

WSCC Highways Authority has been consulted on the application and has provided the following comments:

'The site is located on Brighton Road, a B-classified road subject to national speed limit in this location.

The site is served by an existing vehicle access point on Brighton Road, and no alterations are proposed to this existing access arrangement for this development. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on Brighton Road. In addition, the proposals are not anticipated to give rise to a material intensification of use of the existing access point.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded collisions within the vicinity of the existing access point on Brighton Road. Therefore, there is no evidence to suggest the existing access has been operating unsafely or that the proposals would exacerbate an existing safety concern.

Regarding vehicle parking, the site will be provided with hardstanding and a double-bay garage. From inspection of the plans, the proposed hardstanding appears to be of sufficient size to provide a suitable amount of vehicle parking provision in accordance with WSCC Parking Standards, with space for on-site turning to be achievable.

I would note that the proposed double-bay garage falls short of the minimum internal specifications for double-bay garages of 6m x 6m as outlined in Manual for Streets (MfS). As such, the proposed garage may be too small to accommodate modern sized cars, so the applicant is advised to enlarge the garage internally to at least 6m x 6m to ensure this is achievable. Though given there is sufficient parking provision elsewhere on-site, I would not insist upon this.

The site is located approximately 1.6km south of Hurstpierpoint, which provides local services, amenities and public transport links to larger urban areas. The site does benefit from good Public Rights of Way connections into Hurstpierpoint, providing viable walking routes. Brighton Road lacks footways and street lighting in this location, so cycling would remain a viable option, but for those more confident and experienced. The LPA may wish to secure cycle parking provision if they deemed it appropriate to do so.

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

Following these comments amended plans were provided to correct the dimensions off the garage to meet the Manual for Streets requirements.

The LPA agrees with the LHA's assessment regarding the ability to access the site by cycling due to the national speed limit of Brighton Road, the lack of footpath and street lighting. However, the LPA does not agree with the assessment that the site has convenient access to Hurstpierpoint by the public rights of way. Public footpaths do cross through the land owned by the applicant; however, this is some distance from the application site and direct access to these footpaths could not be guaranteed in perpetuity. These footpaths do link up to Brighton Road, however due to the lack of footpaths and streetlighting along this road, along with the national streetlight this is not considered to be accessible. Notwithstanding this, the footpaths are rural in nature with uneven surfaces with stiles along the routes which would make the footpaths impassible for those with prams or accessibility issues and an unattractive option in the winter and poor weather. The footpaths do link onto Bullfinch Lane, however this is a single track unlit lane which leads to the edge of Hurstpierpoint with a further kilometre walk along the Albourne Road/ High Street to the local services and amenities. Due to this, it is considered that the proposal would form an unsustainable form of development with reliance on private motor vehicles.

The matter of sustainability is not a technical matter but a matter of judgement. Due to the above The LPA does not agree with the LHA stance on the sustainability of the proposal, and the proposal is not considered to comply with policy DP21 of the Mid Sussex District Plan.

Ashdown Forest

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

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

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

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

Flood Risk and Drainage

Policy DP41 of the Mid Sussex District Plan 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.'

Paragraph 181 of the NPPF in part states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.'

The Flood Risk and Drainage Team have commented on the application and raise no objection and recommend conditions. It is noted that some parts of the proposed site have a minor surface water flood risk from the ordinary watercourse to the north and it is therefore recommended that resistance and resilience measures are considered within the design.

Given the comments received it is considered that the proposal complies with policy DP41 of the Mid Sussex District Plan.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- Use renewable sources of energy;*
- Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience'*

Paragraph 161 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

Paragraph 166 states:

'In determining planning applications, local planning authorities should expect new development to:

a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

A sustainability statement has been submitted with the application which include the following measures:

- Solar panels to roof slopes
- Fabric first approach for thermal efficiency and air tightness
- Heat recovery ventilation system
- ASHP
- Low flow fixtures and fittings

Given the specifications set out within the report the proposal is considered to accord with policy DP39 of the Mid Sussex District Plan.

Self -Build

The proposal has been submitted to be a self-build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

The Local Planning Authority must now grant 'suitable development permissions' in respect of enough serviced plots of land to meet the demand for self-build and custom housing building in the authority's area.

Policy DP30 of the District Plan relates to housing mix and states:

'To support sustainable communities, housing development will:

- *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- *on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
- *If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans).'

The proposal to provide a self-build home is a material consideration in the determination of the application which is supported by planning policy. This provides a positive benefit to the proposed development.

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 of a self-build dwelling meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

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

The application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP6, DP12 and DP15 of the District Plan and policy HurstC1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan.

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

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

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

The development would result in the net increase of dwellings in the countryside where there is no specific justification to support such a proposal where the principle is contrary to the development plan. The dwelling would also be reliant on private motor vehicles to access services and would amount to unsustainable development within the countryside. There are not considered to be any other material considerations that would warrant determining the planning application otherwise than in accordance with the development plan.

In addition, the design and form of the proposed dwelling is considered to amount to poor quality design which would have a harmful impact on the rural character of the countryside. In addition, the lack of defined curtilage could result in the spread of residential paraphernalia, which would compound the impact on the rural character of the area.

The proposal is therefore considered conflict with policies DP6, DP12, DP15, DP21 and DP26 of the District Plan and policy HurstC1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan. As there are no policies in the District Plan which positively favour development of this kind in this location, there would be a conflict with the development plan as a whole.

These factors weigh heavily against the proposal.

On the positive side the provision of a net increase in 1 No. self-build dwelling on the site will make a limited, but positive, contribution to the district's housing supply. The proposal would also result in

construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would have limited weight.

The fallback position for a dwelling on the site is given weight; however this is considered to have limited weight.

The proposal would also result in a new homes bonus.

The proposal would have a neutral effect in terms of impact on the setting of the South Downs National Park, flood risk and drainage, trees, highways and parking.

In weighing up these issues, when taken together, it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal and the proposal does not represent sustainable development as defined by the NPPF. The proposal is considered to be contrary to District Plan policies DP6, DP12, DP15, DP21 and DP26, and policy HurstC1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan and there are no other material planning considerations to justify a decision otherwise than in accordance with the development plan.

Overall the planning balance is considered to fall significantly in favour of refusing planning permission.

Decision: Refusal

Case Officer: Katherine Williams