

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1431	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Demolition of existing two storey dwelling and detached garage and erection of replacement two storey dwelling (self-build) with accommodation in roofspace and integral double garage		
Site:	Oak Lawn, Sandy Lane, Crawley Down, Crawley, West Sussex, RH10 4HR, ,		
Validation Date	11 Jun 2026	Overall Expiry Date:	31 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	3 Aug 2026
Target Date:	6 Aug 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	5 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1431

**Oak Lawn, Sandy Lane, Crawley Down, Crawley, West Sussex, RH10 4HR,
Demolition of existing two storey dwelling and detached garage and erection of replacement two storey dwelling (self-build) with accommodation in roofspace and integral double garage
Mr Jason Dixon**

SUMMARY OF REPRESENTATIONS

There was one letter of representation received in response to the application. Whilst the letter did not raise an explicit objection, it raised concerns regarding the following issues:

- The proposed size and height of the new dwelling in a greenbelt location.
- The larger new dwelling could exacerbate existing waste issues.
- The new dwelling being out of keeping within the locality.
- An adverse impact on nearby badgers.

The proposal has since been revised to alter the external design of the proposed dwelling and no further representation letters have been received.

SUMMARY OF CONSULTEES

Mid Sussex District Council Drainage: Recommend approval with suggested conditions.

District Licensing: *The above report has stated that the onsite habitats are mostly unsuitable for GCN and offer little in the way of shelter or foraging opportunities, and has therefore recommended that a PWMS is followed for the development. Due to the poor quality habitat and the small scale of the development, we are in agreement with this approach and recommend that the suggested measures detailed within the above report are secured via a compliance condition.'*

Place Services Ecology: No objection with suggested conditions.

Upper Medway Internal Drainage Board: *'The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy.'*

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: *'Worth Parish Council supports this application.'*

However, the Council notes that custom and self-build projects can take a considerable period to complete, potentially resulting in prolonged disturbance to neighbouring residents through construction traffic, noise, and site-related debris.

The Parish Council therefore requests that appropriate conditions be imposed to minimise disruption, including restrictions preventing the unloading of materials within Sandy Lane and the specification of clear construction working hours.

Should Mid Sussex District Council be minded to approve the application, Worth Parish Council further requests consideration be given to the imposition of a condition requiring development to commence within a defined period and to be completed within a reasonable timeframe, in order to limit the duration of construction impacts on neighbouring properties and the wider area.'

INTRODUCTION

The application seeks planning permission for the demolition of the existing four bedroom dwelling and detached garage and partly in its place, the erection of a new two storey 6 bedroom dwelling with accommodation in the roofspace.

RELEVANT PLANNING HISTORY

There is no recent history of planning applications relating to the site.

SITE AND SURROUNDINGS

The application relates to Oak Lawn, a detached two storey property set to the northern side of the highway. The dwelling is set back from the highway edge by a front driveway and a mature front boundary hedge. There is an existing single storey pebble dash, pitched roof detached garage set to the east of the dwelling and a further single storey garden outbuilding is positioned to the south-west of the main dwelling. There is further garden amenity space set to the rear of the property which is generous in size and contains some mature trees and hedge planting within. In terms of external materials, the existing dwelling is composed of brickwork to the exterior walls, a tiled roof and uPVC white windows.

In terms of the sites locality, there are a number of other detached and terraced residential dwellings set to the northern side of the road at substantial set backs from the roadside verge. A mature boundary hedge and tree planting abuts the roadside to the north of the highway with regular intervals for accesses.

With regard to policy constraints, the site is not located within any defined settlement boundary.

APPLICATION DETAILS

The development proposal seeks planning permission to demolish the existing two storey four bedroom dwelling and detached garage.

Partly in its place, a new six bedroom detached two storey dwelling with accommodation in the proposed roofspace. The proposed dwelling would have a maximum depth of approximately 20.3m, a maximum width of 26.9m, 5.4m to the maximum eaves height and 9.2m high to the ridge.

The proposed dwelling would be composed of red clay stock bricks, Portland stone detail render and mock tudor panels to the walls, dark natural slate roof tiles, black half round ridge and hips and solar panels to the roof, white aluminium and feature glazed anthracite grey/black rooflights for the windows and a natural oak timber front door.

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) 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 Crawley Down Neighbourhood Plan (made January 2016).

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
DP21: Transport
DP26: Character and Design
DP27: Dwelling Space Standards
DP29: Noise, Air and Light Pollution
DP30: Housing Mix
DP37: Trees, Woodland 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.

Neighbourhood Plan

Crawley Down Neighbourhood Plan (Made January 2016)

Relevant policies:

Policy CDNP05 - Control of New Developments
Policy CDNP06 - Sustainable Drainage Systems

Policy CDNP08 - Prevention of Coalescence
Policy CDNP09 - Protect and Enhance Biodiversity

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 Sustainable Drainage
DPN4: Trees, Woodland and Hedgerows
DPN6 - Pollution
DPN7- Noise Impacts
DPB1 - Character and Design
DPC6: Ashdown Forest SPA and SAC
DPT4 - Parking and Electric Vehicle Charging Infrastructure
DPH1 - Housing
DPH3 - Sustainable Development Inside the Built-Up Area
DPH7 - Housing Mix
DPH11 - Dwelling Space Standards

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 National Planning Policy Framework (NPPF) 2024 is a material consideration.
Paragraphs 2, 8, 9, 11, 12, 39, 48, 115-117, 131, 134, 135 & 139.

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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

National Design Guide/Code

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 - Nationally Described Space Standards (March 2015)

West Sussex County Council Revised Guidance for Parking Provision (2018)

ASSESSMENT

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

- Principle
- Impact on Character and Design
- Impact on Neighbouring Amenities
- Trees Impact
- Impact on the Future Occupants of the Development
- Flood Risk and Drainage
- Ecological Impact
- Highways Impact
- Sustainability
- Self Build
- Other Matters
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle:

The application site is designated as being within the countryside. Policy DP12 of the District Plan refers to the protection of the countryside and states (in part):

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

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

The proposed development would develop one new dwelling on site which is not for agricultural purposes. Policy DP6 of the Mid Sussex District Plan notes:

'The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- 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*
- The site is contiguous with an existing built up area of the settlement; and*
- The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

- The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*
- A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'*

In association with Policy DP12 is Policy DP15 of the District Plan which relates to new homes in countryside locations and states among other matters that:

'Replacement dwellings in the countryside will be permitted where:

- The residential use has not been abandoned;*
- Highway, access and parking requirements can be met; and*
- The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.'*

It is not considered that the existing dwelling at Oak Lawn has been abandoned in terms of its residential use. The highways access and parking requirements as well as the impact on the character and appearance of the area will be considered within the assessment section of the report. It is considered that the principle of a replacement dwelling would be acceptable and comply with DP15 of the District 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 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

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.

Among other matters, Policy CDP05 of the Neighbourhood Plan states:

'Subject to the other policies of this Neighbourhood Plan; Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:

- a) The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.*
- b) Individual developments will not comprise more than 30 dwellings in total, with a maximum density of 25 per Ha and spacing between buildings to reflect the character of the area¹¹.*

- c) *Amenities such as access, noise, privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.*
- d) *The individual plot sizes are proportionate to the scale of the dwelling.*
- e) *Open green spaces are provided in accordance with the Local Plan standard provisions. Where practical open spaces should provide linkage/connection to elements of the local footpath network.*
- g) *The traditional boundary treatment of the area is provided and where feasible reinforced.*
- h) *Suitable access and on-site parking is provided without detriment to neighbouring properties.*
- i) *The development is arranged such that it integrates with the village.*
- j) *Housing need is justified.*
- k) *The development does not impact unacceptably on the local highway network.*
- l) *Issues raised in the local housing supply document site assessment are satisfactorily addressed.*
- m) *Has a range of dwelling sizes and in particular provides dwellings that are suited to the needs of both young families and older residents.*
- n) *Includes affordable homes as required by District policy.*
- o) *Proposals for new housing developments must meet the standards set out in Appendix 1'*

Furthermore, Policy CDNP08 states the following:

'Development outside the village boundary will only be permitted if it can be demonstrated that:

- a. It does not detract significantly from the openness and character of the landscape.*
- b. It does not contribute to 'ribbon development' along the roads or paths linking the village to neighbouring settlements of Copthorne, Felbridge, Turners Hill and Crawley.*
- c. It does not significantly reduce the gaps between the village and neighbouring settlements of Copthorne, Felbridge, Turners Hill and Crawley.'*

Various detailed matters set out within CDNP05 will be considered within the subsequent assessment stage of the report. It is considered that this policy attributes limited weight due to out of date criteria. The proposal would not extend the residential curtilage of the existing site and therefore would not introduce new residential development within a greenfield site. It is therefore not considered that the proposed development would result in coalescence. It is considered that Policy CDNP08 of the neighbourhood plan attributes moderate 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.

Impact on Character and Design

Policy DP12 of the District Plan requires the intrinsic character and beauty of the countryside to be protected. Development will only be permitted in the countryside provided that it maintains or enhances the quality of the rural and landscape character.

Policy DP26 of the 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:

- 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 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'

Policy CDNP05 of the Neighbourhood Plan states among other matters that:

'The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character [...]

Construction materials are compatible with the materials of the general area and are locally sourced where practical.'

The existing dwelling is characterised by its wide frontage, whilst comprising brick external materials and a hipped roof pitch. There is some brick detailing around the windows at ground floor and between first and second floor level. Furthermore, the detached single storey garage outbuilding utilises a pebble dash exterior with a pitched roof form. When considered on the whole, the existing dwelling and garage are considered to be of limited architectural merit and their demolition is not considered to be contentious in principle.

There is an existing mature boundary hedge and tree planting which acts as the sites front boundary treatment. At present it is considered that this planting is well established and obscures views towards the application site from Sandy Lane. It is noted however that these trees and hedges are not subject to any protected designations such as a tree preservation order. Therefore, it is considered that limited weight can be attributed to the existing planting to act as screening from the roadside.

Following the demolition of the existing dwelling and detached garage, a new two storey dwelling with further accommodation at loft level would be developed. The proposed dwelling would be of a larger overall footprint measuring at circa 393m² when compared to the existing circa 104m². Therefore, the proposed increase in footprint is considered to be substantial and would more than double the size of the dwelling.

It is considered that the existing plot is generous in area, providing a substantial set back from the roadside as well as ample garden amenity space to the rear. It is considered that whilst the proposed dwelling would be of a large overall footprint, this could reasonably be accommodated within a plot of this size.

The proposed dwelling would have an eaves height measuring at approximately 5.4m high and 9.2m high to the ridge when compared to 5.2m high to the eaves and 8.4m high to the ridge for the existing dwelling. Although the ridge height would be increased substantially, the eaves height would remain comparable to the existing. Furthermore, it is considered that the proposed dwelling would still read as a two storey dwelling with further accommodation at loft level.

It is considered that the overall bulk of the proposed dwelling would be broken up by the proposed side (north-east) garage wing which would utilise a barn hip and be contained to a one and a half storey scale. Furthermore, the use of double projecting gables to the main dwelling, mock Tudor detailing to the gables and brick quoin detailing throughout would serve to add visual interest to the proposal.

The proposed development would feature solar panels to its western roofslope as well as the main wings crown roof. It is considered that views towards these from public vantage points would be restricted to oblique angles and would not appear overly incongruous within the site's locality.

In light of the above, it is considered that the proposal would result in an acceptable visual appearance with regard to the sites locality. It is considered that the proposal would therefore comply with the provisions of Policies DP12 and DP26 of the District Plan and Policy CDNP05 of the Neighbourhood Plan.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 of the District Plan in part seeks to ensure that development:

'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 DP29);'

DP29 then relates to noise and light pollution:

The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

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

In appropriate circumstances, the applicant will be required to provide:

- o an assessment of the impact of noise generated by a proposed development; or*
- o an assessment of the effect of noise by an existing noise source upon a proposed development;*

Light pollution:

- o The impact on local amenity, intrinsically dark landscapes and nature conservation areas of artificial lighting proposals (including floodlighting) is minimised, in terms of intensity and number of fittings;*
- o The applicant can demonstrate good design including fittings to restrict emissions from proposed lighting schemes;*

Policy CDNP05 of the Neighbourhood Plan among other matters requires that the amenities of adjoining residents are safeguarded. It is not considered that there is a conflict with DP26 to this end.

The proposed development would bring the built form within a closer proximity to the adjacent neighbouring property to the north-east at Larchwood House. At its closest point, the proposed dwelling would be set circa 2.4m away from the eastern shared boundary. At the neighbouring site, there is a car port with a games room at first floor level. There are some rooflights at roof level which would face back towards the proposed dwelling positioned on the neighbouring detached outbuilding. It is considered that the neighbouring outbuilding and dwelling would be positioned at a substantial distance from the proposed dwelling in order to overcome a significant overbearing or loss of light impact.

To the other side (western) boundary, the proposed dwelling would be set approximately 4.4m at its closest point from the shared boundary with Newlyn. The neighbouring dwelling to the west would be positioned approximately 9.4m away from the proposed dwelling and it considered that this distance would be sufficient to overcome a significant overbearing or overshadowing impact towards the neighbouring occupiers.

There would be a number of side facing windows to both the north-eastern and south-western elevations. It is considered that the ground floor windows would not be positioned in an elevated position and their outlook would likely be obscured by the boundary treatment. The proposed first floor windows would serve non habitable en suites and it is considered that the significant distance between the siting of the proposed dwelling and the adjacent neighbouring properties would be sufficient to overcome a significant overlooking impact. A further rooflight would be added at loft level to the north-eastern elevation. It is considered that this opening would be to serve light rather than provide a significant level of outlook.

There would be an array of solar panels installed to the south-western roofslope. It is considered that due to their height and offset from the neighbouring property that they would not give rise to a significant impact with regards to glint and glare.

In light of the above, it is considered that the proposed development would result in an acceptable impact in terms of neighbouring amenities.

Impact on Trees

In relation to new developments impact on trees, policy DP37 of the District Plan states that:

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

'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'

The proposed dwelling would be set within 15m of existing trees set towards both side boundaries. As such a Tree Survey and Arboricultural Impact Assessment have been submitted in support of the application which details that one category C tree would be removed to accommodate the development.

In response to this information, the Council's Tree Officer noted that they had no objection towards the proposal in principle. However, an Arboricultural Method Statement and final Tree Protection Plan were suggested prior to the developments commencement. This condition is considered to be relevant and necessary, should permission be granted in the interest of protecting the existing trees on site.

As such, the proposed development is considered to result in an acceptable impact with regard to trees and would comply with the provisions of DP37 of the District Plan.

Impact on the Future Occupiers of the Development

Policy DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage.

A minimum floor area of 138 m² with 4.0m² of built in storage would be required for a 6 bedroom dwelling with 8 or more people in a dwelling with three floors.

A total of 749m² internal floor space would be included as part of the development proposal. This is considered to be sufficient in demonstrating compliance with the Nationally Prescribed Space Standards.

Accordingly, the proposal would meet the requirements of the Technical Housing Standards and therefore comply with DP27 of the District Plan.

Flood Risk and Drainage

Policy DP41 of the District Plan notes that:

'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.'

Policy CDNP06 of the Crawley Down Neighbourhood Plan relates to sustainable drainage systems and states that:

'Development proposals will be expected to demonstrate that they include sustainable drainage systems designed to manage the risk of surface water flooding within their boundaries, and that they will not increase flood risk elsewhere in the Parish. Examples of sustainable drainage systems include permeable driveways and parking areas, water harvesting and storage features (rain/grey), green roofs and soakaways. The preferred hierarchy of managing surface water drainage from any development is:

- 1) infiltration measures;*
- 2) attenuation and discharge to watercourses;*
- 3) discharge to surface water only sewers.*

Such measures should protect the amenity and security of other properties and should not adversely affect the water table and associated aquifers or ancient woodland. Arrangements for the maintenance of drainage systems shall be required as a condition of planning permissions and these arrangements shall include details of who will manage and fund the maintenance for the lifetime of the development.'

The Council's Drainage Engineer has been consulted in response to the proposed development and noted that due to the site, size, location and type of development, no objection would be raised towards the current scheme. It is noted that the proposed front driveway would incorporate a permeable resin bonded shingle.

A further consultee response was received from Upper Medway Internal Drainage Board which noted that any future development would be required to comply with The Upper Medway Internal Drainage Board's bylaws. It was commented that surface or treated foul water being discharged into a watercourse may require consent in line with bylaw 3. It is considered that this matter falls outside of planning and in any circumstance, as recommended by the Drainage Engineer, a pre-commencement condition requiring a detailed surface water scheme could be appended to any permission that may be granted.

As such, the proposed development is considered to result in an acceptable flood risk and drainage impact and would comply with Policy DP41 of the District Plan.

Ecological Impact

DP38 of the District Plan seeks to protect and enhance biodiversity through the following measures:

'-Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and
-Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and
-Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and
-Promotes the restoration, management and expansion of priority habitats in the District; and
-Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.'

Policy CDNP09 of the Neighbourhood Plan shares a similar ethos and states:

'Proposals for new residential, employment and retail development will be expected to protect and enhance biodiversity and wildlife. In particular planning applications for these proposals will be assessed against the following criteria:

- a. The safeguarding or protection of designated sites, protected species, ancient or species rich hedgerows, shaws, grasslands and woodlands;*

- b. The provision of appropriate buffer zones around designated sites or features and/or the implementation of appropriate mitigation features.*
- c. The safeguarding and preservation of ecological networks*
- d. The protection of trees of arboricultural or amenity value*
- e. The appropriate planting of new native trees and hedges'*

Concerns had been raised in response to the proposed development with regard to the proposals potential impact on nearby badgers. A Preliminary Ecological Appraisal and Roost Assessment was submitted in support of the application and notes that no badger setts were found on site or within a 30m radius of the site where accessible.

No objection was raised in response to the proposal by the Council's ecology consultant, however a number of pre-commencement conditions were suggested should permission be granted. This included a condition requiring compliance with the ecological appraisal, the submission of a biodiversity enhancement strategy before works above slab level and a wildlife sensitive design scheme prior to the dwellings occupation. All these aforementioned conditions are considered to be relevant and necessary.

The proposed development would therefore comply with the provisions of DP38 of the District Plan.

Highways Impact

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.

Policy DP21 of the District Plan requires development proposals to protect the safety of road users and pedestrians. It states:

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

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

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

- o The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- o Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- o The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- o The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*
- o Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- o The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- o The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- o The scheme protects the safety of road users and pedestrians; and*
- o The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.'*

Although the proposal would increase the number of bedrooms on site, this would not generate a further demand for allocated parking spaces in accordance with the West Sussex County Council Parking Standards. The proposal would not alter the existing access arrangements and would utilise the existing established access which connects to the roadside to the south of the site.

The proposal is considered to result in an acceptable highways impact and would comply with the provisions of DP21 of the District Plan.

Sustainability of the Building

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It 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'*

There would be a number of sustainable measures implemented as part of the development proposal. This would include an extensive array of solar panels to the proposed crown roof and south-western roof slope. It is considered that the integration of a sustainable energy source would help improve the developments sustainability credentials.

Accordingly, it is considered that the proposed development will be compliant with Policy DP39 of the 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:

o provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;

o 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

o 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.

o 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 and would help contribute towards the Council's demand for self-build housing in the area.

Other Matters

Concerns have been raised from the Parish Council with regard to the potential disturbance generated by the development towards neighbouring properties during the construction phase of the development. Given the modest scale of the proposal, it is not considered that the submission of a Construction Management Plan is necessary. The development is unlikely to result in significant adverse impacts on the local highway network or neighbouring amenity beyond those typically associated with small-scale residential construction, which are adequately controlled through other regulatory regimes. Nevertheless, a condition restricting hours of work is considered to be relevant and necessary should permission be granted.

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.

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 Crawley Down Neighbourhood Plan.

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

National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate otherwise.

For the reasons set out within the assessment section of the report, it is considered that the application complies with Mid Sussex District Plan Policies DP21, DP26, DP27, DP29, DP30 and DP39

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. Given this shortcoming in meeting the five year housing supply target, the addition of a new dwelling is considered to help contribute an additional site, albeit making a marginal contribution. This contribution nonetheless is considered to weigh in favour of the development proposal.

The proposal is considered to result in a neutral impact with regard to a number of issues including drainage, impact on neighbouring amenities, trees impact, ecological impact and highways impact.

For the reasons set out within the assessment section, it is considered that the application complies with Policies DP15, DP21, DP26, DP27, DP28, DP29, DP30, DP37, DP39 and DP41 of the Mid Sussex District Plan and Policies CDNP05, CDNP06 and CDNP09 of the Crawley Down Neighbourhood Plan, the Mid Sussex Design Guide SPD, the West Sussex County Council's Guidance on Parking at New Development, the National Planning Policy Framework and the Technical Housing Standards.

Decision: Permission

Case Officer: Stefan Galyas