

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0096	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Proposed single storey rear extension to existing industrial unit.		
Site:	Unit 19, Bolney Grange Business Park, Bolney, Haywards Heath, West Sussex, RH17 5PB, ,		
Validation Date	16 Jan 2025	Overall Expiry Date:	11 Feb 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	14 Aug 2025
Target Date:	13 Mar 2025	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:	15 Aug 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0096

**Unit 19, Bolney Grange Business Park, Bolney, Haywards Heath, West Sussex, RH17 5PB,
Proposed single storey rear extension to existing industrial unit.
Mr Robin Gamble**

SUMMARY OF REPRESENTATION

None received

SUMMARY OF CONSULTEES

Tree Officer - No objection, recommend condition
Flood Risk and Drainage Team - objection
Ecologist - No objection, recommend conditions

PARISH COUNCIL OBSERVATIONS

No objection

INTRODUCTION

The application seeks planning permission for a single storey rear extension to existing industrial unit.

RELEVANT PLANNING HISTORY

BK/017/81 - Retention of existing uses within the buildings (light industrial units). Granted
BK/046/81 - Erection of 3 no. toilet blocks, foul water drainage system and construction of foul water treatment plant. New surface water drainage system to existing industrial complex. Granted
BK/025/89 - Erection of three light industrial buildings sub-divided into units under 200 sq metres and installation of approved sewage treatment plant. Granted
BK/032/89 - Outline application - Demolition of existing light industrial units, construction of new service road and associated landscaping, erection of 11 industrial units. Installation of sewage treatment plant. Granted

SITE AND SURROUNDINGS

The application site consists of a light industrial unit located off the northern side of the highway and within the Bolney Grange Industrial Estate which is located within the countryside.

The locality is characterised by industrial and commercial properties of utilitarian design to reflect the uses of the buildings, which defines the character of the area. The application property is set back from the highway, with a front parking area, and is attached to Unit 18. The properties have a shared pitched roof and is constructed in a brick plinth, green metal sheeting and metal sheeting roof.

To the rear of the property is a ditch which extends along the rear of the properties to the northern side of Bolney Grange Business Park. This ditch is an open water course.

APPLICATION DETAILS

The proposed extension would be located to the rear of the building and would have a depth of 10 metres and would extend the entire width of the building. The extension would have a mono pitch roof with an eaves height and overall height to match the existing building.

The proposal would be constructed in materials to match the existing building.

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 Bolney 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:

- DP1 - Sustainable Economic Development
- DP12 - Protection and Enhancement of the Countryside
- DP14 - Sustainable Rural Development and the Rural Economy
- DP26 - Character and Design
- DP37 - Trees, Woodland and Hedgerows
- DP38 - Biodiversity
- 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.

Bolney Neighbourhood Plan (made September 2016)

Relevant policies:

BOLBB1 - Built up Area Boundary

BOLE1 - Protect and Enhance Biodiversity

BOLE2 - Protect and Enhance the Countryside

BOLD1 - Design of New Development and Conservation

Other Legislation

Mid Sussex District Plan 2021-2039 Consultation Draft

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPS4 - Flood Risk and Drainage

DPN1 - Biodiversity, Geodiversity and Nature Recovery

DPN2 - Biodiversity Net Gain

DPN4 - Trees, Woodland and Hedgerows

DPN7 - Noise Impact

DPC1 - Protection and Enhancement of the Countryside

DPB1 - Character and Design

DPE1 - Sustainable Economic Development

DPE8 - Sustainable Rural Development and the Rural Economy

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)

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

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

ASSESSMENT

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

- Principle of Development
- Design and Character
- Impact on neighbour amenities
- Flood Risk and Drainage
- Impact on Trees
- Biodiversity
- Biodiversity Net Gain
- Other Matters

Principle of Development

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

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018), together with the Bolney Neighbourhood Plan and the Site Allocation DPD.

Policy DP12 of the Mid Sussex District Plan states:

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

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

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

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

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

Economically viable mineral reserves within the district will be safeguarded.'

The ethos of this policy is echoed in policies BOLBB1 and BOLE2 Bolney Neighbourhood Plan.

Policy DP1 in part relates to existing employment land and states:

'Effective use of employment land and premises will be made by:

- Protecting allocated and existing employment land and premises (including tourism) unless it can be demonstrated that there is no reasonable prospect of its use or continued use for employment or it can be demonstrated that the loss of employment provision is outweighed by the benefits or relative need for the proposed alternative use;*
- Permitting appropriate intensification, conversion, redevelopment and/ or extension for employment uses providing it is in accordance with other policies in the Plan;*
- Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies).'*

Policy DP14 relates to sustainable rural development and the rural economy and states:

'Provided it is not in conflict with Policy DP12: Protection and Enhancement of Countryside and DP13: Preventing Coalescence:

- new small-scale economic development, including tourism-related development, within the countryside (defined as the area outside of built up area boundaries as per the Policies Map) will be permitted provided:*
 - o it supports sustainable growth and the vitality of the rural economy; and*
 - o where possible, utilises previously developed sites.*
- diversification of activities on existing farm units will be permitted provided:*
 - o they are of a scale which is consistent to the location of the farm holding; and*
 - o they would not prejudice the agricultural use of a unit.*
- the re-use and adaptation of rural buildings for business or tourism use in the countryside will be permitted provided:*
 - o the building is of permanent construction and capable of re-use without substantial reconstruction or extensive alteration;*
 - o the appearance and setting is not materially altered; and*
 - o it is not a recently constructed agricultural building which has not been or has been little used for its original purpose.'*

Paragraph 88 of the NPPF states:

'Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

The application property consists of a light industrial unit within an industrial estate; the proposed extension would facilitate the expansion of the existing business. Given the size of the existing unit and the proportionate size of the proposed extension it is considered that the proposal would amount to small scale economic development. It is therefore that the proposal would comply with policies DP1, DP12 and DP14, and acceptable in principle.

Design and Character

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.'*

Policy BOLD 1 of the Bolney Neighbourhood Plan echoes the ethos of this policy.

The Mid Sussex Design Guide requires all development to be of a high standard of design.

The proposed extension would be of a form, design and scale which is considered to be appropriate and in proportion with the existing building and the character of the locality. The extension would be located to the rear of the existing building, with limited public views, and would be of materials and design which would reflect the existing building. The proposal is therefore considered to be in keeping with the character of the locality and landscape and complies with policy DP26 of the Mid Sussex District Plan.

Impact on neighbouring properties

DP26 states:

"does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);"

The closest neighbouring residential properties to the application property consists of Lakeside View, some 110 to the south, and Pilgrims Farm House, some 220 metres to the west. Given the separate distance and the existing use of the property and surrounding industrial estate it is considered that the proposal would not cause harm to the amenities of these neighbouring properties.

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 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 assessment⁶³. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'*

Section 72 of the Land Drainage Act 1991 defines an ordinary watercourse as a watercourse that does not form part of a main river, and defines a watercourse as: *'all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.'*

The PPG also addresses flood risk in relation to minor development, and that such development is unlikely to raise significant flood risk issues unless it would have an adverse effect on a watercourse, floodplain or its flood defences. It goes on to state that minor developments can affect flood risk within or beyond the property and that a site-specific flood risk assessment will need to show that the development will be safe for its users for the intended lifetime of the development without increasing flood risk elsewhere. (Paragraph: 051 Reference ID: 7-051-20220825)

The proposed extension would extend over the existing ditch to the rear of the existing building, which is considered to be an ordinary watercourse by the Council's Flood Risk and Drainage Team, and has been confirmed by WSCC Lead Local Flood Authority. A maintenance strip is required along a

watercourse to ensure that it is kept clear of silt and debris along with being kept in good working order. To ensure this no, new development, including foundations and no construction activities, shall be within 5 metres of any drain or watercourse is permitted.

The agent has suggested that hatches can be placed within the floor of the extension to allow access to the ditch below, with the extension constructed over the ditch with a 1 metre head room between providing sufficient space for someone to crawl under the floor if needed to remove blockages. However, this would still significantly impinge the access to the ditch and restrict the works that can take place and is not considered to be appropriate.

It is therefore considered that due to the position of the proposed extension over the ordinary watercourse the proposal would fail to maintain a maintenance strip along the water course. This could lead to future flood risk to the site and adjacent neighbouring properties, contrary to policy DP41 of the Mid Sussex District Plan and the relevant provisions of the NPPF.

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 Council's Tree Officer has been consulted on the application and raises no objection to the application subject to condition of the mitigation measures within the Arboricultural Method Statement. The proposal is therefore considered to comply with policy DP37 of the Mid Sussex District Plan and is acceptable.

Biodiversity

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

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

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'

Paragraph 193 of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'*

Policy BOLE1 of the Bolney Neighbourhood Plan echoes the ethos of this policy.

The Council's Ecologist has been consulted on the application and has provided the following amended comments following clarification of the nature of the existing trees on site:

'We have reviewed the Preliminary Ecological Appraisal (JWK Wildlife Surveys, December 2024), relating to the likely impacts of development on designated sites, protected & Priority species and habitats, identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

In addition, we have reviewed the submitted Statutory Metric (The Ecology Co-op, December 2024), Onsite Baseline Habitats (JWK Wildlife Surveys, December 2024), Onsite Post Intervention Habitats (JWK Wildlife Surveys, December 2024), Offsite Baseline Habitats (JWK Wildlife Surveys, December 2024), Offsite Post Intervention Habitats (JWK Wildlife Surveys, December 2024), Condition Assessment sheets and the Biodiversity Net Gain Assessment (JWK Wildlife Surveys, December 2024), relating to mandatory biodiversity net gains.

We note from the Preliminary Ecological Appraisal (JWK Wildlife Surveys, December 2024) that the building and trees on site have negligible bat roost potential and we therefore agree that no further surveys for bats are required.

We also note that mobile protected species, including common amphibians, reptiles and Hedgehog (Priority species), are recorded within the wider landscape, although there is little suitable habitat onsite. Therefore, we support the Precautionary Method Statement for mobile protected species in Sections 4.2.1 and 4.2.4 of the Preliminary Ecological Appraisal (JWK Wildlife Surveys, December 2024), which should be secured by a condition of any consent.

We are satisfied that there is sufficient ecological information available to support determination of this application. However, please note we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (JWK Wildlife Surveys, December 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Preliminary Ecological Appraisal (JWK Wildlife Surveys, December 2024) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note:08/23 (Institute of Lighting Professionals) will be implemented:

- o Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.*
- o All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.*
- o Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.*
- o Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.*
- o Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.*
- o Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.*

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Statutory Metric (The Ecology Co-op, November 2024), Onsite Baseline Habitats (JWK Wildlife Surveys,

December 2024), Onsite Post Intervention Habitats (JWK Wildlife Surveys, December 2024), Offsite Baseline Habitats (JWK Wildlife Surveys, December 2024), Offsite Post Intervention Habitats (JWK Wildlife Surveys, December 2024), Condition Assessment sheets and the Biodiversity Net Gain Assessment (JWK Wildlife Surveys, December 2024). Biodiversity net gain is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- a) The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.
- b) Pre and post development habitat plans.
- c) Legal agreement(s)
- d) Biodiversity Gain Site Register reference numbers (if using off-site units).
- e) Proof of purchase (if buying statutory biodiversity credits at a last resort).

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. However, we note that the post-intervention values have been provided and that no significant on-site enhancements are proposed in the proposals. As a result, we are satisfied that HMMP is not likely to be required by legal obligation or a condition of any consent for a period of up to 30 years.

We also support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.'

Nature Space Partnership have not been consulted on the application as the proposal would not meet the criteria for consultation.

It is therefore considered that the proposal is acceptable on ecology terms subject to condition. It is therefore considered that this proposal would also comply with the aims of policy DP38 of the Mid Sussex Plan and the NPPF.

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 is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
- (b) the planning authority has approved the plan (see paragraph 15)'.

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 proposed extension would facilitate the expansion of the existing business, which is considered to amount to small scale economic development. The proposal is also considered acceptable in design and the impact on the character of the area, biodiversity and trees, and would not cause harm to the amenities of neighbouring properties.

Weighing against the scheme is the concerns regarding failure to maintain a maintenance strip along the ordinary watercourse and the potential future flood risk to the site and adjacent neighbouring properties. The proposal is therefore considered to be contrary to policy DP41 of the Mid Sussex District Plan and the relevant provisions of the NPPF.

Therefore, the application is recommended for refusal.

Decision: Refusal

Case Officer: Katherine Williams