

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                             |                                        |                |
|----------------------------------------------|---------------------------------------------------------------------------------------------|----------------------------------------|----------------|
| <b>Ref. No:</b>                              | DM/25/1514                                                                                  | <b>Case Officer:</b>                   | Andrew Horrell |
| <b>Application Type:</b>                     | Full Application                                                                            |                                        |                |
| <b>Proposal:</b>                             | Proposed replacement single storey dwelling house.                                          |                                        |                |
| <b>Site:</b>                                 | The Lodge, 10 Highfields, Brighton Road, Warringlid, Haywards Heath, West Sussex, RH17 5SY, |                                        |                |
| <b>Validation Date</b>                       | 12 Jun 2025                                                                                 | <b>Overall Expiry Date:</b>            | 8 Jul 2025     |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                             | <b>Pre-Com Conditions Date Agreed:</b> |                |
| <b>Recommendation:</b>                       | Permission                                                                                  | <b>Recommendation Date:</b>            | 15 Aug 2025    |
| <b>Target Date:</b>                          | 7 Aug 2025                                                                                  | <b>Recommending Officer Signature:</b> | Andrew Horrell |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |             |              |             |
|------------------------------|-------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | Steven King | <b>Date:</b> | 15 Aug 2025 |
| <b>Comments:</b>             |             |              |             |

## MID SUSSEX DISTRICT COUNCIL

**DM/25/1514**

**The Lodge, 10 Highfields, Brighton Road, Warninglid, Haywards Heath, West Sussex, RH17 5SY**  
**Proposed replacement single storey dwelling house.**

**Mr V Mears**

### **SUMMARY OF REPRESENTATIONS**

None received

### **CONSULTEE COMMENTS**

Naturespace: Thank you for consulting me on the above planning application. I recommend that the following informative should be attached to planning consent if minded to approve:

There is a low risk that great crested newts (GCN) may be present at the application site. Mid Sussex District Council considers it to be unreasonable to require the applicant to submit a survey because this could be considered disproportionate to the scale and the like impacts of the development. However, the application site lies in the red impact zone as per the modelled district licence map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, anyone undertaking this development should be aware that GCN and their resting places are protected at all times by The Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation or substitute the need to obtain a protected species licence if an offence is likely. If a GCN is discovered during site preparation, enabling or construction phases, then all works must stop until the advice of a professional/ suitably qualified ecologist and Natural England is obtained, including the need for a licence.

The following recommendations are provided to further reduce the likelihood of impacts on this species:

- o Any trenches left overnight should be covered or provided with ramps to prevent GCN from becoming trapped.
- o Any building materials such as bricks, stone etc. should be stored on pallets to discourage GCN from using them as shelter.
- o Any demolition materials should be stored in skips or similar containers rather than in piles on ground."

MSDC Drainage: We understand the application is for a replacement single storey dwelling house. The site is located within Fluvial Food Zone 1 and within an isolated area with low surface water flooding.

We have reviewed the information submitted for the above application. Based on the plans provided, we have no objection to the proposed development on Flood Risk and Drainage grounds subject to the following condition.

### **Condition Recommendations**

#### **C18D - Single dwelling**

The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied or brought into use, until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with Policy DP41 of the Mid Sussex District Plan 2014 - 2031.

## **ANSTY AND STAPLEFIELD PARISH COUNCIL OBSERVATIONS**

None received

## **INTRODUCTION**

Planning permission is sought for a replacement dwelling.

## **RELEVANT PLANNING HISTORY**

DM/22/1136 - LDC for retention of dwellinghouse (Refused)

DM/22/2230 - Retention of dwelling (Refused LDC)

DM/23/0218 - Continued use of existing building for residential purposes (Approved)

## **SITE AND SURROUNDINGS**

The site is characterised by a single storey detached timber weatherboarding clad pitched roofed unit within a cul-de-sac off Brighton Road. The dwelling is characterised by black timber windows and doors.

To the north of the site is the driveway with woodland to neighbours in Thorndean Drive beyond, to the south of the site is the rear garden with close boarded fencing to fields beyond, to the east of the site is woodland to fields beyond and to the west of the site is close boarded fencing to set back No.9a Highfields beyond.

The site is within the countryside and the High Weald Area of Outstanding Natural Beauty.

## **APPLICATION DETAILS**

The existing two-bedroom dwelling approximately measures 6.15m in depth, 11.7m in width with a height to eaves of and an overall height of 4.18m. Existing rear decking approximately measures 3.6m in depth and 11.7m in width

The proposed three-bedroom dwelling measures 12.192m in depth, 12.192m in width with an approximate height to eaves of 2.45m and an overall height of 4.85m. The proposed front porch approximately measures 2.2m in depth, 3.2m in width with a height to eaves of 2.45m and an overall height of 3.1m.

## **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.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, the Sites Allocations Development Plan Document (DPD) and the Ansty and Staplefield 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:

DP12 - Protection and Enhancement of Countryside

DP15 - New homes in The Countryside  
DP16 - High Weald AONB  
DP21 - Transport  
DP26 - Character and Design  
DP27 - Dwelling Space Standards  
DP33 - Gypsies, travellers and traveling show people  
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.

There are no relevant policies.

### **Ansty and Staplefield Neighbourhood Plan**

The Neighbourhood Plan was made on 2nd February 2017.

Relevant policies:

AS3: High Weald Area of Outstanding Natural Beauty.

### **Other Material Considerations**

#### **Mid Sussex District Plan 2021-2039 Submission 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 the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1: Climate Change  
DPS2: Sustainable Design and Construction  
DPS4: Flood Risk and Sustainable Drainage  
DPC1: Protection and Enhancement of Countryside  
DPC3: New Homes in the Countryside  
DPC4: High Weald Area of Outstanding Natural Beauty  
DPB1: Character and Design  
DPT3: Active and Sustainable Travel  
DPT4: Parking and Electric Vehicle (EV) Charging Infrastructure  
DPH1: Housing  
DPH2: Sustainable Development - Outside the BUA  
DPH5: Gypsies, Travellers and Travelling showpeople  
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.

### The High Weald Area Of Outstanding Natural Beauty Management Plan 2024-2029

### National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131, 135 and 189 are considered

### *National Design Guide*

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

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

### *Technical Housing Standards*

## **ASSESSMENT**

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

- o Principle
- o Design, Impact on the character of the area and impact on the High Weald AONB
- o Highways
- o Impact on Residential Amenity
- o Housing Standards
- o Flood Risk and Drainage
- o Sustainability
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

### **Principle**

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

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

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

Policy DP15 of the Mid Sussex District Plan contains policy justification for replacement dwellings. It in part states:

*'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.'*

The property is still occupied and as such has not been abandoned and the highways access, parking arrangement and impact on the quality of the natural and/or built landscape of the High Weald Area of Outstanding Natural Beauty will be assessed in subsequent sections of this report.

Taking into account the above and subject to the subsequent sections regarding highways access, parking arrangement and impact on the quality of the natural and/or built landscape of the High Weald Area of Outstanding Natural Beauty, the principle of a replacement dwelling is considered acceptable and complies with above-mentioned parts of policies DP12 and DP15 of the Mid Sussex 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 of assets of particular importance provides a strong reason for refusing development proposed; or ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

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

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of 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.

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.

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.

## **Gypsy and Traveller Matters**

The site is referred to in policy DP33 of the District Plan as being a safeguarded site for gypsies and travellers. On the previously approved planning application for the existing dwelling on the site (DM/23/0218) information was provided regarding Gypsy heritage and a planning condition was imposed on the planning permission to ensure that the dwelling remained available for gypsies and travellers only. It is considered that it would be appropriate to include the same condition on this consent, thereby ensuring that the dwelling remains available for occupation by gypsies and travellers.

## **Design, impact on the character of the area and impact on High Weald AONB**

Policy DP26 of the Mid Sussex District Plan relates to design and amenity and 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 protects valued townscapes and the separate identity and character of towns and villages;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*

- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- o optimises the potential of the site to accommodate development.'*

Principle DG38 is also considered to be relevant and states:

*'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.*

*The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead, a re-interpretation of key aspects of their form should be demonstrated.*

*Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:*

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

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF states that *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues.'*

A similar ethos can be found within both policies DP16 of the District Plan and policy AS3 of the Ansty and Staplefield Neighbourhood Plan, which state in part that development within the High Weald AONB *'will only be permitted where it will conserve and enhance the natural beauty of the AONB area.... and demonstrate how they meet the objectives of the High Weald AONB Management Plan; and'*

The proposed dwelling would be sited where the existing single storey dwelling is sited. Whilst it would be of a larger nature the proposal the proposed dwelling would be sited well within the site so as not to appear overly prominent within the street scene. It should also be noted that the residential dwellings within the street scene are detached and of relatively significant scales similar to the proposal, and the scale of the proposed dwelling is considered to be commensurate to the scale of the site as the site is significant.

The design of the building is similar to the existing dwelling and it is not uncommon to see similar designed dwellings within the countryside. There is significant boundary treatment surrounding the site which are to be retained.

The proposed external materials to be used in the replacement dwelling are seen within the existing site and the surrounding area. It is therefore considered that the proposed development would be of an appropriate design, size and scale that addresses the character and scale of the surrounding buildings and landscape and would comply with the above mentioned policies.

In relation to the impact upon the wider AONB, the proposed development would be replace an existing dwelling and would be a modest enlargement to the existing dwelling. As set out in the previous section of this report above the scale, nature and appearance of the proposed dwelling would be appropriate in the rural setting in which it is located. Due to the existing boundary treatment there would be limited views of it from the surrounding area.

As such, the proposal would comply with the requirements of Policies DP16 and DP26 of the District Plan, Policy AS3 of the Ansty and Staplefield Neighbourhood Plan, the requirements of the High Weald Management Plan and Paragraph 182 of the NPPF.

## **Highways Matters**

Policy DP21 of the District Plan relates to transport and states in part that:

*'...Decisions on development proposals will take account of whether:*

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

*Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

Paragraph 115 of the NPPF states; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The proposal does not seek to alter the existing vehicular entrance to the site and due to the nature of the application it is considered that a similar level of vehicular movements will occur at the site. As such it is not considered to adversely impact the wider road network.

Taking into account the above, it is considered that policy DP21 would be met and therefore there are no highway, access or parking grounds to resist the proposal.

## **Impact on Neighbouring Amenities**

In terms of impact upon neighbouring amenities Policy DP26 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 Policy DP29);'*

The proposed dwelling would be located well within the site and there is significant boundary treatment surrounding the site. The proposed dwelling would not be adjacent to any existing dwellings and due to its location it would not appear overly dominant from neighbouring properties. The proposal includes appropriate openings to the proposed habitable rooms. Given its single storey nature, harm to privacy and overlooking will not be significant.

Taking into account the above the proposal is not considered to cause significant harm to the amenities of nearby residents and future occupiers and is considered to comply with the above-mentioned policies.

Therefore, the proposal complies with DP26 of the Mid Sussex District Plan in terms of neighbouring amenities.

## **Dwelling Space Standards**

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

A 3-bedroom 4-person, single storey dwelling is required to provide a minimum gross internal floor area of 74 square metres and 2.5 sqm of built-in storage. The proposed dwelling provides a gross internal floor area of 155 square metres.

Therefore, the proposed dwelling would comply with the above standards. Taking into account the above the proposed standard of living for future occupiers would be acceptable and the proposal complies with policy DP27 of the Mid Sussex District Plan and the Government's Technical Housing Standards - Nationally Described Space Standards document.

## **Flood Risk and Drainage**

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

Para 170 of the NPPF relates to planning and flood risk and states:

*'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*

The Council's Drainage Officer has confirmed that based on the information that has been submitted they raise no objection on drainage or flood risk grounds. Additional details of the proposed flood risk and drainage strategy can be secured by a suitably worded condition. The proposal, subject to the recommended conditions it is therefore considered to comply with Policy DP41 of the Mid Sussex District Plan.

## **Sustainability**

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including

minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

At national level Paragraph 161 of the NPPF states:

*'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*

While Paragraph 166 states:

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

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The application has been supported by a sustainability statement which has set out that the proposal would include the following measures:

- Rainwater recovery
- Solar Water heating
- Grey water harvesting
- Water conservation to 105 litres per person per day
- Air source heat pump
- Photo Voltaic tiles

The proposal will have to comply with the sustainability parts of building regulations.

Details of which can be secured by condition, consequently, the proposal is deemed to comply with Policy DP39 of the District Plan and the relevant provisions of 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 comprises of development on which the impact would be on less than 25sqm of onsite habitat and 5 metres of linear habitats such as hedgerows 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 Ansty and Staplefield Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP12, DP15, DP16, DP21, DP26, DP27, DP33, DP39 and DP41 and Ansty and Staplefield Neighbourhood Plan policy AS3.

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

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

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

As the application is for a replacement dwelling, the proposal would not result in a net increase in dwellings on the site. The proposal would result in construction jobs over the life of the build. Because, however, of the small scale of the development proposed these benefits would be very limited.

The proposal would have a neutral effect in terms of design/character, impact on the countryside, highways and parking, neighbouring amenity, sustainable design, housing standards and flood risk and drainage.

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

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

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

Decision:       Permission

Case Officer: Andrew Horrell