

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0773	Case Officer:	Joanne Fisher
Application Type:	Full Application		
Proposal:	Proposed conversion of an existing outbuilding to a single storey residential dwelling including its partial demolition. Removal of two outbuildings and erection of a detached 3 bay garage. Removal of existing hardstanding for the formation of a domestic garden.		
Site:	Floran Farm, Hophurst Hill, Crawley Down, Crawley, West Sussex, RH10 4LP,		
Validation Date	16 Apr 2025	Overall Expiry Date:	13 May 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	10 Jun 2025
Target Date:	11 Jun 2025	Recommending Officer Signature:	<i>Joanne Fisher</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	11 Jun 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0773

**Floran Farm, Hophurst Hill, Crawley Down, Crawley, West Sussex, RH10 4LP,
Proposed conversion of an existing outbuilding to a single storey residential dwelling including its partial demolition. Removal of two outbuildings and erection of a detached 3 bay garage.
Removal of existing hardstanding for the formation of a domestic garden.
Mr Anthony Batten**

SUMMARY OF REPRESENTATIONS

1 letter of OBJECTION concerning the following points:

- Contrary to DP12;
- An earlier application for self-build housing was refused on grounds, inter alia, that the proposed development would not accord with planning policy regarding the location of housing development, as it would harm the character and appearance of the surroundings;
- The conversion of hard standing into grassland is planned for only one-third of this site, meaning hard standing elsewhere will remain - and with it the noise nuisance of heavy plant and machinery;
- Concerns on storm drain, ancient woodland; lighting; noise; use and burning which currently takes place on the site.

SUMMARY OF CONSULTEES

Highways Authority

No objection subject to conditions.

MSDC Drainage

Further information requested of a FRA and a surface water drainage and foul strategy.

MSDC Contaminated Land Officer

Conditions.

MSDC Housing Standards

Comments to Agent.

MSDC Street Name and Numbering

Informative.

Nature Space

The applicant has submitted a Preliminary Ecological Appraisal, within which, Section 5 contains precautionary measures to be taken during works to minimise impact on great crested newts. It is recommended that all measures are secured via condition.

EAST GRINSTEAD TOWN COUNCIL OBSERVATIONS

Committee considered the application and supporting papers and resolved to recommend approval.

INTRODUCTION

Permission is sought for the conversion of an existing outbuilding to a single storey residential dwelling including its partial demolition; the removal of two outbuildings and erection of a detached 3 bay garage; and the removal of existing hardstanding for the formation of a domestic garden at Floran Farm, Hophurst Hill, Crawley Down.

RELEVANT PLANNING HISTORY

There is a long and detailed history for the site and the wider site outside of the red line of this current application.

An enforcement notice was upheld at appeal on the 12th August 1993, under reference EF/302/92 for the breach of planning control for:

- i. The siting of a Portakabin.
- ii. Material change of use from agriculture to a mixed use for the purpose of agriculture and
 - (a) the stationing of a mobile home for use as a staff canteen/rest room; the stationing of metal containers and box van containers for use for storage purposes, and
 - (b) the storage and parking of motor vehicles, and the storage of sundry item not associated with the use of the land for agriculture.

Having visited the site, it is apparent that the enforcement notice has not been fully complied with.

14/02120/FUL - Demolition of the existing buildings and erection of 6 live/work units. Refused.

AP/14/0055 - Demolition of the existing buildings and erection of 6 live/work units. Dismissed.

DM/19/2938 - Outline application for up to 30 self-custom build plots with all matters reserved apart from access. Additional information received 31/1/2020 regarding Road Safety Audit and Designers Response and Archaeological Assessment. Refused.

DM/20/2175 - Lawful Development Certificate for the stationing of a mobile home within residential garden to provide ancillary accommodation. Refused. This mobile home is still present on the site and being occupied.

DM/20/3285 - Lawful Development Certificate for the construction of a caravan/mobile home that complies with the Caravan Sites & Control of Development Act 1960. Permission. This has not been implemented.

AP/21/0024 - Outline application for up to 30 self-custom build plots with all matters reserved apart from access. Additional information received 31/1/2020 regarding Road Safety Audit and Designers Response and Archaeological Assessment. Dismissed.

DM/22/0099 - Established residential use of a land parcel within the overall curtilage of Floran Farm. Refused.

DM/22/3676 - Change of use of land to residential garden land. (Amended description and amended plans received 23/2/2023 correcting location plan, amending site plan and plan showing extent of current and proposed garden land. Refused.

AP/23/0054 - Change of use of land to residential garden land. (Amended description and amended plans received 23/2/2023 correcting location plan, amending site plan and plan showing extent of current and proposed garden land.) Dismissed.

DM/23/1778 - Certificate of Existing Lawful Use for breach of condition 3 (agricultural worker condition) on application reference GR/008/96 dated 16th January 1996 regarding Demolish existing garage, construct new dwelling, demolish part of existing bungalow and convert remainder into living accommodation, remove mobile home. Approved.

DM/24/0831 - Change of use of land to facilitate the siting of 4no. proposed yurts and 1no. shepherds hut for camping purposes and the retention of mobile home to be used ancillary, part retrospective. Refused. Appeal decision pending (AP/25/0003 relates).

DM/24/1274 - Retrospective change of use of land to storage allowing the siting of boats and caravans. Refused. Appeal decision pending (AP/25/0004 relates).

SITE AND SURROUNDINGS

The existing outbuilding is sited to the east of the existing dwelling within the yard area of the site. It forms a single storey large building clad in timber with a corrugated roof. Attached to the front of this building is a 3 bay enclosed garage. This building has a small enclosed courtyard area to the south of the building set at a lower level than the rear patio area of the dwelling Floran Farm.

Surrounding the site to the north, east and west are areas of hardstanding and outbuildings accessed from the wider site by an access track which is from the north of the existing dwelling through a yard area which serves the applicants landscaping business. This access track then goes to the east of the applicants land leading to land further to the east beyond a public right of way.

To the north are dense trees and vegetation on the boundary as well as an approximately 2 metre high fence. To the east is the internal access track with a 'Nissan' style building with a rolled roof which has a number of vehicles and equipment within it. Beyond this is a mobile home with a hot tub, a tree house, various children's play equipment and a shed and animal run. This mobile home does not have consent. Further to the east beyond this is a dense conifer hedge on the boundary with a public right of way which runs north to south beyond and paddocks within the applicants ownership. To the west is a large area of hardstanding and a large building used for vehicle repairs and MOT's leading to the access onto Hophurst Hill. To the south is the dwelling Floran Farm and its garden.

The land in relation to the new garage and formation of a domestic garden forms part of the site subject of an enforcement notice. This was upheld at appeal on the 12th August 1993, under reference EF/302/92 for the breach of planning control for:

Material change of use from agriculture to a mixed use for the purpose of agriculture and
(a) the stationing of a mobile home for use as a staff canteen/rest room; the stationing of metal containers and box van containers for use for storage purposes, and
(b) the storage and parking of motor vehicles, and the storage of sundry item not associated with the use of the land for agriculture.

There is sporadic development along Hophurst Hill with linear development to the west along Cuttinglye Road of detached properties set on large plots. Floran Farm itself is set back from the highway within a rural setting. The site is relatively well screened.

The application site is situated outside of the development boundary of East Grinstead within the countryside as defined in the District Plan and the Neighbourhood Plan.

APPLICATION DETAILS

Permission is sought to conversion of an existing outbuilding to a single storey residential dwelling including its partial demolition; the removal of two outbuildings and erection of a detached 3 bay garage and the removal of existing hardstanding for the formation of a domestic garden.

In relation to the conversion, the rear of the existing building which forms a lean-to structure which runs the length of the building would be demolished to make way for a new, landscaped side garden. A small wooden porch on the west of the building is also proposed to be demolished.

A number of new openings would be created to the rear (eastern) and side (northern and southern) elevations. A total of 18 rooflights (9 on either side of the roof) would be inserted onto the roof to create light within the roof space.

Plans show internally that the dwelling would comprise of a central entrance hall, open plan kitchen/living area, utility room, 3 bedrooms, 2 offices, a playroom and a courtyard living room. There would be stairs to either end of the building internally to provide access to storage within the roof space. A number of existing internal walls would be removed as part of the works.

To the eastern and southern boundary surrounding the building would be a new wall measuring a minimum of some 2 metres and a maximum of some 3 metres in height. This would enclose the property from the wider site outside of the applicants control and the garden area of the existing dwelling Floran Farm.

A larger garden area would be sited to the north of the building separated by an existing access road. This is on an existing area of hard surfacing used for storage and is subject to the 1992 enforcement notice. This land is currently screened off from the site to the entrance of this land by high corrugated gates. Native hedgerow planting is proposed around the boundaries of this garden area.

Finally a detached garage to provide parking for 6 vehicles is proposed to the north of the building subject of this application. This would be on a similar footprint to 2no storage buildings currently on the land. This garage building would measure some 18.4 metres in length, 5.7 metres in depth with an overall height of some 3 metres. The garage would be constructed on a brick plinth with weatherboarding on elevations, 3no large roller shutter garage doors and a flat roof. The Agent has advised that this new garage would serve Floran Farm rather than the new dwelling, as their garaging in the existing building will be displaced from Floran Farm to the new dwelling.

The submitted planning statement sets out that the existing building which is sought to be converted is in mixed use as storage, workshop and a residential unit. There does not appear to be any clear history in relation to this building and its use. However, there is no separate address point for this and so it is considered that the building is incidental to the use of the main dwelling Floran Farm.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

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

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

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

Mid Sussex District Plan

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

Relevant policies:

DP6 - Settlement Hierarchy

DP12 - Protection and Enhancement of Countryside

DP13 - Preventing Coalescence

DP15 - New Homes in the Countryside

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

DP21 - Transport

DP26 - Character and Design

DP31 - Housing Mix

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.

East Grinstead Neighbourhood Plan

The Neighbourhood Plan for East Grinstead was 'made' in November 2016. It forms part of the development plan with full weight.

Relevant policies:

EG2 - Areas of Development Constraint

EG3 - Promoting Good Design

EG5 - Housing Proposals

EG11 - Mitigating Highway Impacts

EG16 - Ashdown Forest Protection.

Other Material Considerations

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

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

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPS4 - Flood Risk and Drainage

DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN6 - Pollution
DPN7 - Noise Impacts
DPC1 - Protection and Enhancement of the Countryside
DPC2 - Preventing Coalescence
DPC3 - New Homes in the countryside
DPC6 - Ashdown Forest SPA and SAC
DPB1 - Character and Design
DPT4 - Parking and Electric Vehicle Charging Infrastructure
DPH1 - Housing
DPH2 - Sustainable Development - Outside the Built Up Area
DPH6 - Self and Custom Build Housing

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

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

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

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

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

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

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

National Design Guide

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

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

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;

- Principle
- Design and Impact on the character and appearance of the area
- Highways
- Impact on Residential Amenity
- Sustainability
- Housing Mix / Self Build
- Housing Standards
- Flood Risk and Drainage
- Ecology
- Archaeology
- Ashdown Forest
- Biodiversity Net Gain
- 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 East Grinstead as defined by the District Plan. As such the site is located within the defined Countryside.

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

Policy DP6 of the District Plan states in part that:

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

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

The proposed residential development whilst meeting criteria 1, does not meet parts 2 and 3 of this policy. All 3 of the criteria are required to be met for this policy, and therefore the proposal conflicts with Policy DP6 of the District Plan.

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

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

In addition, this policy supports the re-use of rural buildings for residential use where the re-use would lead to an enhancement of the immediate setting and the quality of the rural landscape of the area is maintained.

The proposed residential development does not meet any of these special justifications. In addition, due to the use of the building in association with the dwelling Floran Farm, it cannot be considered a rural building related to agriculture or forestry under this policy, nor as set out below would the re-use lead to an enhancement of the immediate setting or maintain the quality of the rural and landscape character of the area.

Policy DP13 promotes well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence. This is provided the proposed development is not in conflict with policy DP12, which seeks to protect and enhance the countryside. The development due to its scale should not have an unacceptably urbanising effect on the area between settlements.

Policy EG2 of the Neighbourhood Plan relates to areas of development constraint and supports the sympathetic conversion of redundant rural buildings, limited small scale new development and extension to existing buildings provided they comply with the following criteria:

- '(1) In the case of replacement dwellings, the proposal is no more obtrusive than the dwelling it replaces and is of an appropriate design for its location and setting;*
- (2) In the case of extensions, the proposal is subservient in scale and form to the original dwelling along with the coherent use of materials;*
- (3) In the case of converted buildings, the new use has minimal impact on the openness of the countryside, in terms of the new curtilage, and parking; in the case of outdoor sport, recreation and community uses of land, the proposals support the objective of keeping land open;*
- (4) The proposal comprises essential small-scale proposals for agricultural or sport and recreation such as pavilions and changing rooms; or*
- (5) It is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available.'*

For the purposes of this policy it is considered that the building is not a redundant rural building and as set out further in this report it is considered that the proposal would affect the openness of the countryside.

Policy EG2a relates to preventing coalescence and has a similar requirement to that of Policy DP13 of the District Plan. In addition, it seeks to prevent the ad hoc or isolated development of dwellings outside the built up area. Due to the nature of the development, the proposal would not result in the coalescence of East Grinstead with Crawley Down.

Policy EG5 relates to housing and states:

'The East Grinstead Neighbourhood Plan area is subject to significant environmental and infrastructure constraints and as a result new housing development on land defined as 'previously developed,' where the site is predominantly previously developed or is green infrastructure that can be demonstrated to be surplus to requirements will be supported subject to the criteria below and compliance with other policies within the plan.

Other proposals for new housing development will only be supported if:

- a) *The proposed development contributes to sustainable development;*
- b) *An application is supported by robust assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*
- c) *An application is supported by a robust assessment of the impact of the proposal upon the local highway network and it can be demonstrated that the proposal will not cause a severe cumulative impact in terms of road safety and increased congestion after proposed mitigation is taken into account;*
- d) *The proposal complies with design guidance contained in policy EG3 or a relevant Development Brief;*
- e) *The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate);*
- f) *Contributions are made towards SANG and Strategic Access Management and Monitoring (SAMM); and*
- g) *The proposal meets its own infrastructure needs.*

Where proposals comply with Policy EG5, relevant site-specific policies and mitigate their highway and other infrastructure impacts, the following sites (EG6A and EG6B) will be encouraged to come forward for residential development.'

As set out further within this report the proposal is not considered to contribute to sustainable development.

There are no other relevant policies in the District Plan, any other development plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site. The principle of the application would therefore conflict with the development plan, in terms of what type of development is allowable under Policies DP6, DP12 and DP15 of the District Plan as well as Policies EG2 and EG5 of the Neighbourhood Plan.

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

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

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

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

'For decision-taking this means;

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;*
 - i. *The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

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

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

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

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

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

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

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

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council'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 DP13 (Preventing Coalescence) seeks to protect the separate identity of settlements and as such does seek, alongside policy DP12, to restrict certain forms of development. As with DP12, it is not considered that this policy directly relates to the supply of housing however, for the same reasoning as above, the weight that can be given to this policy is moderate.

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

Policy EG2 (Areas of Development Constraint) is a permissive policy for dwellings within the countryside provided they are of conversions of redundant agricultural buildings, replacement dwellings or extensions to existing buildings. This proposal does not meet this criteria as the conversion is not a redundant agricultural building. This policy can be given substantial weight.

Policy EG2a (Preventing Coalescence) seeks to protect the separate identity of settlements. It is not considered that this policy directly relates to the supply of housing however, for the same reasoning as above, the weight that can be given to this policy is moderate. This policy can be given moderate weight.

Policy EG5 (Housing Proposals) seeks new development to be on previously developed land, or if it contributes to sustainable development. 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.

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.

Assessment

Design and Impact on character of the area

One of the objectives of achieving sustainable development is to ensure that proposals '*contribute to protecting and enhancing our natural, built and historic environment*' (para 8, NPPF).

The site falls outside of the built up area (within the countryside). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area. Policy DP12 of the District Plan in part requires proposals to '*maintains or where possible enhances the quality of the rural and landscape character of the District*'.

Policy EG2 of the Neighbourhood Plan relates to areas of development constraint. In part this supports the sympathetic conversion of redundant rural buildings and requires the new use has minimal impact on the openness of the countryside, in terms of the new curtilage, and parking. It is considered that the existing building cannot be viewed as a redundant rural building as it is in use in relation to Floran Farm as a dwelling and not being used for rural purposes.

Para 187 of the NPPF requires proposals to contribute to and enhance the natural and local environment by '*recognising the intrinsic character and beauty of the countryside*'.

Policy DP26 of the District Plan relates to character and design. It states in part that all developments are required to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. In addition, this policy requires proposals to be of a high quality design and layout and includes appropriate landscaping and greenspace; and create a sense of place while addressing the character and scale of the surrounding buildings and landscape.

Policy EG3 of the Neighbourhood Plan seeks to promote good design and amongst other criteria requires the form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area; and the layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity.

Paragraph 131 of the NPPF states that:

'The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

The conversion would result is a significant amount of new openings with various window designs to the northern, eastern and southern elevations as well as a large number of rooflights to both sides of the roof slope. Due to amount of openings, it is considered that the building would result in an overly domesticated appearance. A new high brick wall is proposed on the eastern and southern boundaries around the dwelling to provide defensible space and separate this from the wider site. It is considered that the proposed amount of openings and the high brick wall would not maintain or enhance the character of the countryside and would result in an overly domesticated appearance.

The site lies within the countryside with part of the site being subject to a 1992 enforcement notice. This enforcement notice states that the site is agricultural land. In the consideration of the appeal of the 1992

enforcement notice, the Inspector considered that the area has a pleasing and attractive rural character, and that the siting of the containers, vehicles, open storage of various items is at odds with the character of the area and harmful to its appearance. Whilst he acknowledged that the site is well screened by existing buildings, fences and vegetation, which could be enhanced, that this would not be sufficient to overcome the harm.

It is considered that the change of use of the identified agricultural land (albeit currently having a MOT type surfacing and various vehicles, trailers, containers and open storage on the land) to residential garden land would not maintain or enhance the character of the countryside. The formation of a garden to serve the new dwelling would result in a contrived nature as it is separated from the dwelling by some 28 metres with an access road and hardstanding to serve wider land of Floran Farm. As a result the proposed garden would not be directly related to the dwelling due to the positioning of the land and relationship with the new property. The proposed garden would also result in the introduction of domestic paraphernalia associated with the use of the garden land and any additional proliferation of domestic paraphernalia would further erode the inherent qualities and rural characteristics of the area which would not maintain or conserve the countryside character.

It is considered that the design of the conversion through the amount of openings proposed and the high brick boundary wall as well as the introduction of the new garden land some 28 metres away from the northern wall of the new dwelling would neither conserve nor enhance the landscape character of the area forming an encroachment on the agricultural land of the site and resulting in an urbanising effect which would have poor relationship to its context and result in a harmful effect on the rural setting and the semi-rural character of the area where there is sporadic residential development. As such the proposal would not maintain or enhance the rural landscape character as required under DP12 of the District Plan, nor protect the intrinsic character and beauty of the countryside or the landscape as set out under para 170 of the NPPF.

Although the proposed detached garage is to be large, forming 6 bays, it is considered that its design alone is acceptable. However, it would result in further encroachment of a domestic building outside of the curtilage of the existing dwelling to which it would serve onto agricultural land. Whilst it has been submitted that this would replace two existing buildings, these buildings are on land subject of the enforcement notice and are not authorised. As such it is considered that the siting of the garage building would harm the intrinsic character and beauty of the countryside and the proposed domestic use of the land would further erode the inherent qualities and rural characteristics of the area.

Whilst it is acknowledged that the site is screened on all boundaries and so the land is not visible from public viewpoints from the footpath to the east of the site (route 45EG) this should not be justification to allow the formation of the garden area into the agricultural land on the site nor the proposed conversion.

In light of the above concerns, it is considered that the proposal thereby conflicts with policies DP12 and DP26 of the District Plan, policies EG2 and EG3 of the East Grinstead Neighbourhood Plan, and the provisions of the NPPF.

Highways

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

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

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

In addition, para 116 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The proposal would use the existing access which serves the site off Hophurst Hill.

The proposed converted building would use the 3-bay garage which is attached to the building.

A further detached garage would be constructed as part of the proposal to the north of the building to replace two existing container buildings on the site. This would form 6 garage spaces and serve the existing dwelling.

The Highways Authority has considered the proposal and raise no objection. They consider that the increase in vehicle movements would be negligible on the surrounding road network. They conclude that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network

Therefore it is considered that the proposal is considered to comply with Policy DP21 of the District Plan in terms of highway safety.

Impact on Residential Amenity

Policy DP26 of the District Plan relates to character and design of proposals. Within this there is a requirement that proposals do *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*.

The test as set out under policy EG3 of the East Grinstead Neighbourhood Plan states that proposals should 'not harm' adjoining neighbours amenity.

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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

Due to the position of the dwelling and the relationship with surrounding properties, it is considered that the proposal would not result in significant harm to the amenities of surrounding residential properties.

Whilst the proposed dwelling would be close to the existing property of Floran Farm, screening could be provided between the courtyard area and pathway around the building with the garden of Floran Farm to reduce any overlooking or loss of privacy.

The neighbour to the north of 'Walden' is some 121 metres away (building to building) with dense tree screening. The new garden of the proposed property is on an area of hardstanding adjacent to the neighbours woodland. Due to the separation distance and screening, it is considered that the proposal would not result in significant detriment to the amenities of this property through overlooking, a loss or privacy or an overbearing impact. Concerns have been raised in respect of lighting where the neighbour submits that security lighting from the site directs at their property. This is noted and is not a planning matter. However, if permission were forthcoming, a condition could be placed to prevent any further lighting without consent.

In terms on the impact on the amenity of future residents of the building subject to be converted, concerns are raised over the outlook to a number of rooms. Bedroom 1 and the office to the north of the building are to have two windows each which would face onto an area of hardstanding and the access road which serves the wider site. There would be no defensible space between these windows and the access road resulting in a poor amenity to the occupiers of these rooms. To the eastern and southern boundary surrounding the building would be a new wall measuring a minimum of some 2 metres and a

maximum of some 3 metres in height. This would enclose the property from the wider site outside of the applicants control and the garden area of the existing dwelling Floran Farm. The rooms to the rear of the building (which face east) and the southern side would look out onto a small path and grassed area some 4 metres in depth and the high brick boundary wall. It is considered that the proposal would result in a limited outlook to a number of habitable rooms including the open plan living/kitchen area and a bedroom. This would result in a sense of enclosure and result in poor amenity to future occupiers through the outlook from these rooms and the relationship with the area of hardstanding leading to land outside of the occupiers control.

The proposal thereby conflicts with policy DP26 of the District Plan in terms of residential amenity.

Sustainability

Policy DP21 of the District Plan relates to transport. In part it requires schemes to be '*sustainably located to minimise the need for travel*' and take '*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*'. In addition, it requires where '*practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*'

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:

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

Paragraph 161 of the NPPF states:

'The planning system should support the transition to 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.'

In addition, 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 accompanied by a Sustainability Statement. This sets out that:

- '- The energy efficiency measures of the building are to go beyond Part L building regulations, with a potentially a 15% saving in CO2*
- The development is to take a fabric first approach, which is to be designed to be highly insulated, with low u-values*
- Water efficiency is a big driver of sustainability and indoor fittings which will have water efficiency will be installed. These will help to go beyond Part G minimum standard of 125L/person/day and achieve a 110L/person/day*
- Materials to be used in the proposed development are to consist of having low embodied carbon. All timber used on site is to be sustainably sourced. Where possible recycled aggregates will be used.'*

In addition, the Sustainability Statement sets out that there could be the potential for an air source heat pump and solar panels. However this has not been pursued by the applicant due to the development being an existing site, where the applicant has decided to use the existing mains heating supply.

Whilst it is disappointing that the installation of renewable energy sources has been discounted in against the existing mains heating supply, the proposal is considered to comply with Policy DP39 of the District Plan in relation to Sustainable Design and Construction.

The NPPF seeks to encourage development in sustainable locations. The NPPF however acknowledges opportunities to maximise sustainable transport solutions will vary from urban to rural areas. The site is set some distance from the development boundary of Crawley Down or East Grinstead. These settlements provide a range of shops and services, although the schools and large supermarkets are all located at least one kilometre from the appeal site when measured as a linear distance. The nearest shops and services in Crawley Down are located in Station Road, within the centre of the settlement, and therefore significantly further than 0.55km from the appeal site.

Neither of these settlements are readily accessible on foot due to there being no pedestrian footpath along Hophurst Hill. There is a nearby public footpath/bridleway which provides access to Crawley Down and East Grinstead. However, neither route has the benefit of street lighting.

None of the shops, schools and services in Crawley Down, Felbridge and East Grinstead are readily accessible on foot. There is difficulty in reaching these locations caused by the lack of lighting, the poor condition of the footpaths in winter conditions and the risk to pedestrians of walking on a busy main road without a pavement. In addition, due to the gradients and ground conditions involved these paths would be problematic for some pedestrians, particularly the elderly, those with pushchairs or escorting young children, and those carrying heavy shopping, and would not be practical for any pedestrians in adverse weather conditions.

In terms of public transport, there are bus stops serving both directions close to the access of the appeal site. These stops are served by two routes, the 281 and 291, each with approximately half hourly services during peak periods to destinations that include Crawley Down, Felbridge, East Grinstead and Crawley. The frequency of the service provided by the 281 and 291 routes declines markedly after peak periods, with only six buses in total on Sundays. In the context of a rural location, the site is relatively well served by bus routes. However, having regard to the difficulties in accessing some of those bus services and the reduced frequency of service outside peak periods, the level of bus service is not sufficient to obviate the reliance on a private car by occupiers of the proposed self / custom build units.

It is therefore considered that future occupiers of the development would be very likely to rely on private car trips for the necessities of daily life. As such it is considered that the site falls short in terms of sustainability and would be heavily reliant on the motorcar. The site would be poorly accessible in relation to access to local services and facilities, other than by the use of private car.

In the determination of an appeal on the wider land of the site in relation to an outline application for 30 self-custom build plots, (reference AP/21/0024), the Inspector concluded that the site was in an

unsustainable location as *'the disconnection between the site and nearby settlements would make accessing local services on foot unrealistic for some users of the development and at some times of the day and year. There are viable options for cycling and accessing public transport, taking account also that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, they would not go far enough reduce the likelihood that occupiers of the proposal would have a high dependence on the private car given the location.'* It is not considered that a different view should be concluded in the determination of this current application.

The proposal therefore conflicts with policy DP21 of the District Plan, policy EG5 of the Neighbourhood Plan, and para 115 of the NPPF which seeks to actively manage patterns of growth limiting the need to travel and offering a genuine choice of transport modes.

Housing Mix / 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 in part:

'To support sustainable communities, housing development will:

- provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; ...'.*

In addition, paragraph 63 of the NPPF states:

'Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes'.

The NPPG further states that *'Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area.'* (Paragraph: 023 Reference ID: 57-023-201760728).

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.

Housing 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.

The submitted application form identifies that the bedroom number for the proposal is unknown, whereas the plans show 3 bedrooms, with 3 further rooms (2 no. offices and a playroom) as potential bedrooms as well. As such, it is considered that the proposal should be considered as a 6-bed dwelling.

Technical Nationally Described Housing Standards requires a 6 bed 7 person single storey dwelling to have a minimum internal floor area of some 116sqm with 4 sqm of storage. The proposed dwelling will have an internal floor area of some 357 sqm (excluding the storage area in the roof space and the garaging) which exceeds the minimum requirements.

As such, the application complies with Technical Standards and policy DP27 of the District Plan.

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.

The proposed dwelling and garden lies within flood zone 1 which is at low risk of flooding. It is acknowledged that part of the access to the west is subject to surface water flood risk. However, in this instance it is considered that a flood risk assessment (FRA) is not necessary as this is an existing access serving Floran Farm and a commercial use; and the flood risk of the access and not been raised as an issue with the various applications that have been submitted for the site recently.

The Agent has advised that the building is already connected to water / foul drainage, and this would not change as part of the proposal. As such drainage would remain as existing.

It is considered that the proposal is acceptable in flood risk and drainage terms and complies with policy DP41 of the District Plan.

Ecology

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Act, all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act, certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity.

Para's 192 - 195 of the NPPF relate to habitats and biodiversity. Para 193 states *'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'*.

The application has been accompanied by a Preliminary Ecological Appraisal (PEA). This concludes that there will be *'minimal impact to habitats and protected / notable species if the avoidance and mitigation measures outlined'* are carried out. It identifies that no evidence of bats were noted on or within the building and there is negligible suitability of roosting bats. In terms of other species, it identifies that the site is largely unsuitable habitat for Hazel Dormice; and that it holds low potential for Great Crested Newts and reptiles. In addition, the site holds negligible potential for barn owls. Precautionary measures have been identified in terms of badgers and hedgehogs.

Avoidance, mitigation and enhancement measures have been identified within the PEA. It is considered that subject to a condition to ensure works are carried out in accordance with these that the proposal would be acceptable in terms of ecology and would comply with Policy DP38 of the District Plan.

Archaeology

The site lies within a red archaeological notification area where there is a route of a Roman road.

Policy DP34 of the District Plan seeks to conserve heritage assets in a manner appropriate to their significance. Significance can be defined as the special interest of a heritage asset, which may be archaeological.

Paragraph 218 of the NPPF states:

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.'

The application is accompanied by a Heritage Statement. This states that the *'proposal seeks the conversion of an existing building, and the erection of a garage where there is already hardstanding. The proposal also includes the removal of a large quantity of hardstanding to form a garden. Due to the nature of the proposal, there would be no excavation below ground to such a depth that would cause harm to the area of archaeological potential.'*

Due to the current use of the site / surfacing it is considered that if the proposal were to be considered acceptable that a condition concerning a programme of archaeological trial-trenching is undertaken on the site prior to the commencement of development, in order to identify the level of archaeological survival and to inform on any mitigation measures could be acceptable.

The proposal thereby complies with the relevant part of Policy DP34 in terms of archaeology, and the requirements of the NPPF.

Ashdown Forest

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

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

A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

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

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

This planning application is within the 7km zone of influence and generates a net increase of 1 dwelling, and as such, **mitigation is required**.

An appropriate scale of SAMM mitigation for the proposed development is £1,170, and if the approved scheme provides for a strategic SANG contribution, this would be £5,253.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contributions for SAMM and SANG mitigation have been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

In this case however, the Planning Obligation securing the SAMM and SANG contributions has not been completed on the basis that Officers are not supporting the application on separate grounds. The proposal therefore conflicts with Policy DP17 of the Mid Sussex District Plan.

Natural England has been consulted on the appropriate assessment of this proposed development and raise no objection subject to securing appropriate mitigation.

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed does not provide sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA as the legal agreement securing contributions for mitigation has not been completed.

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

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises 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 East Grinstead Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP13, DP27, DP38 and DP41 and Neighbourhood Plan policy EG2a.

Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP4, DP6, DP12 and DP15 of the District Plan and Neighbourhood Plan policies EG2 and EG5.

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

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

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

The dwelling and its associated garden which would be separated from the property is considered to result in a contrived design and out of keeping with the character of the surrounding area. Due to the domesticated appearance of the building through the proposed amount of openings and the high brick wall, the proposal would not maintain or enhance the character of the countryside and would result in an overly domesticated appearance. The proposal would intensify development and detract from the semi-rural character and not respect the character and form of development in the immediate vicinity nor maintain the character of the countryside.

The use of the land for residential garden land would result in the domestication of the land with residential paraphernalia which is contrary to the countryside location and the 1992 enforcement notice. The domestication of this land to a residential garden would further erode the inherent qualities and rural characteristics of the area which seeks to avoid development which erodes the perception of openness. The proposal would thereby not maintain or enhance the character of the countryside.

The proposal would result in a poor outlook and feeling of enclosure to a number of rooms serving the dwelling and the relationship with land to the north and the limited garden area to the east of the building. This would result in a detrimental impact to the amenities of future occupiers of the dwelling.

The proposed development is located within the countryside and occupies a location which is distant from readily accessible local services. As such future occupiers will be heavily reliant on the private car to meet their daily needs.

In addition, a planning obligation has not been completed to secure monies to mitigate the impact on the Ashdown Forest Special Protection Area.

When judged against policies relating to settlement pattern, accessibility to services, countryside character and the impact on the Ashdown Forest, the location and land use of the development proposed would conflict with policies DP12, DP15, DP17, DP21 and DP26 of the District Plan and policies EG2, EG3, EG5 and EG16 of the Neighbourhood Plan.

These factors weigh heavily against the proposal.

On the positive side the provision of a net increase in 1 No. dwelling for self/custom build on the site will make a limited, but positive, contribution to the district's housing supply. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would have limited weight. Whilst it is acknowledged that the proposal would be for sel/custom build, it is considered that this does not outweigh the harms identified above.

The proposal would also result in a new homes bonus.

There would be a neutral impact on highways, drainage and ecology.

In weighing up these issues, when taken together, it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal.

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

Decision: Refusal

Case Officer: Joanne Fisher