

## Delegated Decision

### Sign off Sheet

<b>Ref. No:</b>	DM/25/2066	<b>Case Officer:</b>	Hamish Evans
<b>Application Type:</b>	Full Application		
<b>Proposal:</b>	Demolition of the existing property and adjacent sheds and replacement with a new single storey residential dwelling with two parking spaces.		
<b>Site:</b>	Lullings Cottage, West Hill, Ardingly, Haywards Heath, West Sussex, RH17 6QY, ,		
<b>Validation Date</b>	21 Aug 2025	<b>Overall Expiry Date:</b>	2 Dec 2025
<b>Pre-Commencement Conditions Required:</b>		<b>Pre-Com Conditions Date Agreed:</b>	
<b>Recommendation:</b>	Refusal	<b>Recommendation Date:</b>	11 Dec 2025
<b>Target Date:</b>	16 Oct 2025	<b>Recommending Officer Signature:</b>	Hamish Evans

<b>Date Legal Agreement Completed: (if applicable)</b>		<b>No of Representations:</b>	0
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<b>Signed and Agreed By:</b>	Steven King	<b>Date:</b>	11 Dec 2025
<b>Comments:</b>			

## MID SUSSEX DISTRICT COUNCIL

**DM/25/2066**

**Lullings Cottage, West Hill, Ardingly, Haywards Heath, West Sussex, RH17 6QY,  
Demolition of the existing property and adjacent sheds and replacement with a new single storey residential dwelling with two parking spaces.**

**Mr Musker**

### **SUMMARY OF REPRESENTATIONS**

No third-party representation letters have been received in respect of this application.

### **SUMMARY OF CONSULTEES**

#### **MSDC Tree Officer**

No objection subject to conditions.

#### **MSDC Conservation Officer**

A total loss of significance of the Cottage and its outbuilding through their demolition, a level of less than substantial harm through loss of group value and impact on setting to the listed former farmhouse and the remaining curtilage listed former farm buildings, at around the low-mid level of that scale and a low level of less than substantial harm through impact on the setting of the Ardingly Conservation Area. Contrary to policies DP34 and DP35 of the Mid Sussex District Plan.

#### **Place Services Ecology**

No objection subject to conditions.

#### **Newt Officer**

No objection subject to conditions.

#### **Archaeological Consultant**

No comment.

### **PARISH COUNCIL OBSERVATIONS**

#### **Ardingly Parish Council**

No comment.

### **INTRODUCTION**

The application seeks planning permission for the demolition of the existing property and sheds to be replaced with a single storey dwelling at Lullings Cottage West Hill Ardingly RH17 6QY.

### **RELEVANT PLANNING HISTORY**

DM/25/2067. Demolition of the existing property and replacement with a new single storey residential dwelling. Pending Consideration.

### **SITE AND SURROUNDINGS**

The application site is located within the countryside and the High Weald Area of Outstanding Natural Beauty. The existing dwelling is a curtilage listed building which was formally used ancillary to Lullings which is a Grade II listed building to the southwest of the application building. The Ardingly Conservation Area is located some 1800 metres to the southeast of the site. The application building is a two-storey residential property which is dilapidated in its appearance. It has been confirmed that it has not been occupied as a dwellinghouse since 2021. It is characterised by painted brick walls, grey slate roof tiles and wooden and metal window and door frames. There is an existing single storey outbuilding to the north of the existing dwelling and it is characterised by timber clad walls, metal sheet roofing and timber framed windows and doors. It is used for domestic storage purposes. A grassy garden area is located to the north and east of the existing dwelling and significant tree lines are located to the south, west and north of the dwelling. The site is accessed from the north of the site with a track that leads to Paddockhurst Lane. The surrounding area is rural in its nature, with it being characterised by open countryside, sporadic residential development and woodland.

## **APPLICATION DETAILS**

The application seeks planning permission for the demolition of the existing property and sheds to be replaced with a single storey dwelling at Lullings Cottage West Hill Ardingly RH17 6QY.

The new dwelling would be located to the north of the existing dwelling and it will be single storey in its nature. It would measure some 14.9 metres in width, 12.3 metres in depth, an eaves height of 3.1 metres and a total height of 5.0 metres. It would consist of two pitched roof elements which are linked by a flat roof element. The dwelling would consist of a utility room, pantry, kitchen dining room, living room, a 1-person bedroom, bathroom and 2-person bedroom with en-suite. The proposed dwelling would be characterised by brickwork and silver larch clad walls, sedum and corrugated metal roofing, aluminium framed windows and doors and solar panels.

The proposal would utilise the existing access to the north of the site and it would include a permeable paved parking area to the west of the proposed dwelling. It includes some two parking spaces to the west of the proposed dwelling and a storage building for cycle storage, refuse bins and a heat pump. The proposed curtilage would be located to the south and east of the proposed dwelling.

A number of tree protection measures have been proposed as part of the development, these include ground protection membrane and protective barriers. The proposal would result in the loss of one category C spruce tree. Four native trees are to be planted together with hedgerows and a wildflower and wildgrass garden. The proposal includes an air source heat pump and solar PV panels. The submitted sustainability statement also states that the proposed walls, roofs and floors will be insulated to exceed current building regulations.

## **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 Ardingly 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:

DP12 - Protection and Enhancement of Countryside  
DP15 - New Homes in the Countryside  
DP16 - High Weald Area of Outstanding Natural Beauty  
DP21 - Transport  
DP26 - Character and Design  
DP27 - Dwelling Space Standards  
DP34 - Listed Buildings and Other Heritage Assets  
DP35 - Conservation Areas  
DP37 - Trees, Woodland and Hedgerows  
DP38 - Biodiversity  
DP39 - Sustainable Design and Construction  
DP41 - Flood Risk and Drainage

### **Site Allocations DPD**

The SADPD was adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs to 2031.

No relevant policies.

### **Ardingly Neighbourhood Plan**

The Ardingly Neighbourhood Plan was made in March 2015.

Relevant policies:

ARD2: Spatial Plan for the Parish  
ARD5: Housing Design  
ARD8: Biodiversity  
ARD9: Heritage Assets

### **Other Legislation**

*Countryside and Rights of Way Act (CRoW) 2000*

## **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 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  
DPH6: Self and Custom Build Housing  
DPH11: Dwelling Space Standards

### *Mid Sussex Design Guide Supplementary Planning Document (SPD)*

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

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

The 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; (As applicable to the application, add others if relevant)

- o Principle
- o Impact on Heritage Assets
- o Design and Impact on the character and impact of High Weald AONB
- o Highways
- o Impact on Residential Amenity
- o Trees, Woodland and Hedgerows
- o Housing Standards
- o Flood Risk and Drainage
- o Ecology
- 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 Ardingly 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.'*

Whilst the existing dwelling is not currently occupied the submitted documents state that the building was occupied in 2021 and as such the residential use is not considered to have been abandoned. The proposed residential development does meet the above special justification subject to the criteria as set out above.

The proposed dwelling is relatively modest in its scale and due to the existing boundary there would be limited views of it from the surrounding area. There is an existing residential use on the site and the design and appearance of the proposed dwelling would not cause harm to the quality of the rural and landscape character of the District.

In terms of the criterion within policy DP15 the property 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 or assets of particular importance provides a strong reason for refusing development proposed; or*

ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

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

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

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

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

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

Policy DP34 (Listed Buildings and Other Heritage Assets) seeks to conserve heritages assets in a manner appropriate to their significance. The proposal would result in the total loss of significance of Lullings Cottage through its demolition, a degree of less than substantial harm through impact on setting to the special interests of the listed farmhouse and the remaining curtilage listed buildings within the historic farmstead. For these reasons it is considered that DP34 is one of the most important policies for determining the application. The aims of this policy are consistent with paragraphs 212 -216 of the NPPF and as such this policy can be given full weight.

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.

## Impact on Heritage Assets

The LPA is under a duty by virtue of s.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (Decision on application): to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

*Recent case law has stated that 'As the Court of Appeal has made absolutely clear in its recent decision in Barnwell, the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.'*

*The Courts further stated on this point 'This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.'*

Policy DP34 of the Mid Sussex District Plan states:

### *'Listed Buildings*

*Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:*

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- o Special regard is given to protecting the setting of a listed building;*
- o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

### *Other Heritage Assets*

*Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.*

*The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.*

*Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'*

Lullings Cottage is a curtilage listed building, formerly ancillary to Lullings, a Grade II listed former farmhouse, later country residence, located in a rural position outside Ardingly.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraphs 212 - 216 of the NPPF states:

*'212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

*213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*

*Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

*216. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*

There are longer distance views of the site from the Ardingly Conservation Area which is located a significant distance to the southeast of the site.

In terms of the impact on the setting of the Conservation Area policy DP35 of the District Plan in part states:

*'Development will also protect the setting of the conservation area and in particular views into and out of the area.'*

A similar ethos is contained within policy ARD9 of the Ardingly Neighbourhood Plan.

The proposal would result in the demolition of Lullings Cottage. The Council's Conservation Officer has commented on the application and advised that *'Lullings Cottage is considered to be of a degree of historical and architectural interest as a curtilage listed building, and in particular is considered to contribute positively to the setting and special interest of Lullings. It has group value with the listed former farmhouse, and the former farm buildings around it, and contributes to the narrative of the development of the historic farmstead into a country residence.'*

The proposal would result in the total loss of significance of Lullings Cottage through its demolition, a degree of less than substantial harm through impact on setting to the special interests of the listed farmhouse and the remaining curtilage listed buildings within the historic farmstead and it would detract from the positive contribution that views of the site have from the Ardingly Conservation Area. The level of less than substantial harm to the setting of the listed farmhouse and remaining curtilage listed buildings is considered to be at the low-mid level and the level of less than substantial harm to the setting of the Ardingly Conservation Area is considered to be at the low level.

As the proposal would result in the total loss of significance of a designated heritage asset the LPA should refuse consent unless the total loss is necessary to achieve substantial public benefits that outweigh the loss or all the requirements of paragraph 214 of the NPPF apply. The proposal would result in construction jobs over the life of the build, a biodiversity net gain and sustainability measures at the proposed dwelling. Because, however, of the small scale of the development proposed these public benefits would be very limited and not meet the substantial public benefits as set out in paragraph 214 of the NPPF. It is also considered that the proposal would not represent a development that criteria a - d of paragraph 214 of the NPPF applies to.

There has also been a low-mid level of less than substantial harm the setting of the listed farmhouse and remaining curtilage listed buildings and a low level of less than substantial harm to the setting of the Ardingly Conservation Area. The levels of harm should be weighed against the public benefits of the scheme which have been identified above. Given the very limited public benefits they are not considered to outweigh the harm levels of less than substantial harm that have been identified.

Taking into account the above the proposal is not considered to comply with policies DP34 and DP35 of the Mid Sussex District Plan, policy ARD9 of the Ardingly Neighbourhood Plan and paragraphs 212-216 of the NPPF. This is considered to constitute a strong reason for refusal for the purposes of paragraph 11 of the NPPF.

The Council's Archaeologist has commented on the application and raised no objection in respect of impact on archaeological artifacts.

### **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.'*

A similar ethos is contained within policy ARD5 of the Ardingly Neighbourhood Plan.

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 site is located within the High Weald Area of Outstanding Natural Beauty. 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 policy DP16 of the District Plan which state in part that development within the High Weald AONB *'will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular... character and local distinctiveness, settlement pattern, sense of place and setting of the AONB...'*

The proposed timber cladding and green roof are considered to blend in well with the surrounding natural environment and the proposed brickwork and corrugated metal roofing would be similar in appearance to other buildings within the site. The proposed window and door frames will be contemporary in their appearance which is considered to be common within modern buildings. The proposed dwelling is of a modest single storey nature and it would be sited well within the site so that it would not be overly visible from the public realm. The design of the building is a blend of traditional and contemporary in its appearance and it is considered to be of high quality design. There is significant boundary treatment surrounding the site which is to be retained and the proposed hard and soft landscaping can be secured by a suitably worded condition.

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 policy DP26 of the Mid Sussex District Plan, policy ARD5 of the Ardingly Neighbourhood Plan and principle DG38 of the Mid Sussex Design Guide SPD.

In relation to the impact upon the wider AONB, the proposed development would replace an existing two-storey dwelling and it would result in a relatively modest single storey 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 it is considered to preserve the character of the AONB in accordance with policy DP16 of the District Plan and paragraph 189 of the NPPF.

## **Highways Matters**

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

*'- 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;  
- The scheme protects the safety of road users and pedestrians;'*

Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

The proposal would utilise the existing access to the site and it is considered that there would be similar level of movements to and from the site given the existing residential property on the site. The WSCC Parking Guidance states for a dwelling of this scale in this location some 1.7 off-street parking spaces should be provided at the site. The proposal would result in two off-street parking spaces at the site which would comply with the WSCC Parking Guidance. The proposal would also result in the provision of secure cycling storage. Therefore, it is considered that there are no transport grounds to resist the proposal and that the proposal would comply with policy DP21 of the Mid Sussex District Plan, subject to the imposition of conditions to secure the parking spaces and cycle storage.

## **Residential Amenity**

When considering impact upon neighbouring amenities, policy DP26 of the District Plan states in part that development proposals should *'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);'*

A similar ethos is found within Principles DG45, 46, 47 and 48 of the Mid Sussex Design Guide.

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 nearby properties. The proposal includes appropriate opening to the proposed habitable rooms. 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.

## **Trees, Woodland and Hedgerows**

Policy DP37 of the Mid Sussex District Plan in part states:

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

There are a variety of existing trees on the site they are of varying quality and species. The majority of existing trees are to be retained, with one grade C tree to be removed. The submitted documents also set out protection measures to protect the existing trees during the construction of the proposal. The Council's Tree Officer has commented on the application and raised no objection subject to a condition securing the proposed protection measures. As such the proposal is considered to comply with the above-mentioned policy.

## **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 2-bedroom 3-person, single storey dwelling is required to provide a minimum gross internal floor area of 61 square metres and 2 sqm of built-in storage. The proposed dwelling provide a gross internal floor area of 106.7 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 proposal is within an area at very low risk of surface water flooding and very low risk of flooding from rivers and the sea. Details of the proposed flood risk and drainage strategy can be secured by a suitable worded condition. The proposal, is therefore considered to comply with Policy DP41 of the Mid Sussex District Plan.

## **Ecology**

Paragraph 192 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Paragraph 193 states in part that if significant harm 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, planning permission should be refused. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. This stance is reflected under policy DP38 of the District Plan which states in part that:

*'Biodiversity will be protected and enhanced by ensuring development:*

*- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*  
*- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and...'*

A similar ethos is contained within policy ARD8 of the Ardingly Neighbourhood Plan.

The Council's Ecologist has commented on the application and stated that the submitted measures and information is sufficient enough to determine the application and subject to the imposition of conditions and compliance with the submitted information any protected species or their habitats within the site would be adequately protected. The Council's Newt Officer has also been consulted on the application and they have advised that a condition should be imposed to secure the measures set out within the submitted ecological report.

Taking into account the above the proposal is considered to comply with the policy DP38 of the Mid Sussex District Plan and the relevant paragraphs of the NPPF.

It should be noted that biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This requirement is assessed in a subsequent section of the report.

## **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 Air Source Heat Pumps for Heating, Solar PV panels and insulation that would outperform current building regulations. Details of the measures 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 is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

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

'The condition is that the development may not be begun unless—  
(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and  
(b) the planning authority has approved the plan (see paragraph 15)'

## **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 Ardingly 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, DP37, DP38, DP39 and DP41 and Ardingly Neighbourhood Plan policies ARD2, ARD5 and ARD8.

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 DP34 and DP35 of the District Plan and Ardingly Neighbourhood Plan policy ARD9.

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.

In terms of the benefits of the proposal the proposed development would result in the creation of construction jobs during the build period. This is a material consideration that weighs in favour of the development.

Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case above the mandatory 10%) should be given positive weight in the planning balance.

It is considered that due to the nature of the proposal there would be a total loss of significance of Lullings Cottage through its demolition and a low to mid degree of less than substantial harm through impact on setting to the special interests of the listed farmhouse and the remaining curtilage listed buildings within the historic farmstead. It would detract from the positive contribution that views of the site have from the Ardingly Conservation Area. Great weight should be given to the conservation of heritage assets. These reasons are considered to constitute strong reasons for refusal for the purposes of paragraph 11 of the NPPF.

The proposal would have a neutral impact in respect of highways safety, impact on residential amenities, housing standards and sustainability in relation to building construction.

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

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

Decision: Refusal

Case Officer: Hamish Evans