

## Delegated Decision

### Sign off Sheet

|                                       |                                                                               |                                 |               |
|---------------------------------------|-------------------------------------------------------------------------------|---------------------------------|---------------|
| Ref. No:                              | DM/24/3104                                                                    | Case Officer:                   | Joanne Fisher |
| Application Type:                     | Full Application                                                              |                                 |               |
| Proposal:                             | Temporary agriculturally-tied caravan accommodation.                          |                                 |               |
| Site:                                 | Sandhill Farm, Sandhill Lane, Crawley Down, Crawley, West Sussex, RH10 4LE, , |                                 |               |
| Validation Date                       | 8 Jan 2025                                                                    | Overall Expiry Date:            | 14 May 2025   |
| Pre-Commencement Conditions Required: |                                                                               | Pre-Com Conditions Date Agreed: |               |
| Recommendation:                       | Permission                                                                    | Recommendation Date:            | 25 Feb 2026   |
| Target Date:                          | 5 Mar 2025                                                                    | Recommending Officer Signature: | Joanne Fisher |

|                                                 |  |                        |   |
|-------------------------------------------------|--|------------------------|---|
| Date Legal Agreement Completed: (if applicable) |  | No of Representations: | 1 |
|-------------------------------------------------|--|------------------------|---|

|                       |                 |       |             |
|-----------------------|-----------------|-------|-------------|
| Signed and Agreed By: | Stephen Ashdown | Date: | 27 Feb 2026 |
| Comments:             |                 |       |             |

## MID SUSSEX DISTRICT COUNCIL

**DM/24/3104**

**Sandhill Farm, Sandhill Lane, Crawley Down, Crawley, West Sussex, RH10 4LE,  
Temporary agriculturally-tied caravan accommodation.  
Adrian Kirkpatrick**

### **SUMMARY OF REPRESENTATIONS**

1 letter of support in respect of the application.

### **SUMMARY OF CONSULTEES**

#### Highways Authority

No objection. Recommend conditions in relation to car and cycle parking.

#### WSCC Fire and Rescue

The nearest fire hydrant for the supply of water for firefighting is 255 metres away, 80-metres further than the 175-metre distance required for a domestic premises. If an alternative water supply for firefighting is to be considered it will need to conform with the details identified in Approved Document-B (AD-B) Volume 1: B5 section 14 and agreed with West Sussex Fire & Rescue Service.

#### MSDC Agricultural Adviser Consultant

No objection. Complies with policy DP15 of the District Plan.

#### MSDC Flood Risk and Drainage

No objection subject to pre-occupation condition.

#### MSDC Ecology Consultant

Recommend approval subject to conditions in relation to works to be carried out in accordance with mitigation and enhancement measures, a biodiversity enhancement layout plan and wildlife sensitive lighting.

#### MSDC Tree Officer

Condition requested in respect of adherence to Tree Protection Plan and measures within the Arboricultural Method Statement.

#### MSDC Environmental Protection

No comments.

#### MSDC Street Naming and Numbering

Add informative in relation to address allocation.

#### Natural England

No objection subject to securing suitable mitigation.

Add informative of "The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence."

## **PARISH COUNCIL OBSERVATIONS**

Worth Parish Council are against this application.

## **INTRODUCTION**

This application seeks planning permission for a temporary agriculturally tied caravan accommodation at Sandhill Farm, Sandhill Lane, Crawley Down.

## **RELEVANT PLANNING HISTORY**

DM/19/2345 - Retention of mobile home on a temporary basis (until November 2023) for the safety, security and upkeep of the on-site farming operations. Refused. (This is on land to the north of the application site within the blue line.)

DM/20/0664 - Retention of mobile home until November 2023. Refused. (This is on land to the north of the application site within the blue line.)

DM/23/3072 - One new custom/self-build dwellinghouse and associated works. Refused.

## **SITE AND SURROUNDINGS**

The site forms part of a large agricultural holding lying to the south of Crawley Down. The land upon which the dwelling is proposed is used by poultry and has a number of sheds and pens on the land as well as some trees. The land is set at a higher level than Sandhill Lane and slopes away to the south-east.

To the east of the land are barns and an area of hardstanding. To the north is an access track serving the barns and an area of land within the applicants' ownership where there is a mobile home, an outbuilding and caravan as well as various other items and trees beyond on the boundary. To the south are fields which have been set into paddocks for various animals. To the west is a fence separating the garden and property of Sandhill Farm from the application site.

Sandhill Lane is a private single-track road which serves a number of properties.

The application site is designated within the countryside as defined in the Mid Sussex District Plan and the Neighbourhood Plan. In addition, the site falls within the 7km zone of influence for the Ashdown Forest Special Protection Area (SPA) / Special Area of Conservation (SAC).

## **APPLICATION DETAILS**

Permission is sought for a temporary agriculturally tied caravan to provide accommodation to enable the applicant to care for livestock, protect property, and manage the farm.

It has been submitted that the *'farm has been under the applicant's management since 1995, initially under employment and subsequently as an owner upon inheriting the land in 2013. Due to a recent*

*divorce, the sole dwellinghouse on the property was sold and no longer forms part of the agricultural holding, leaving no on-site residential accommodation.*

*As outlined in the Sandhill Farm 2024-2027 Business Plan, the applicant aims to increase farm productivity and livestock numbers through gradual investment and expansion. A critical aspect of this plan includes on-site residence to secure the property and ensure the welfare of animals, a requirement that cannot be met by existing nearby accommodation. The proposal aligns with the criteria of DP15 for temporary agricultural accommodation in the countryside.'*

The proposal would result in mobile home to be sited to the north-western boundary of the site set back from the existing access drive which leads to the wider farm. An area of hardstanding would be created adjacent to the access drive to provide parking for one vehicle, and a path would lead from the driveway to the caravan.

Accommodation would comprise of an open plan kitchen, dining and living area with two bedrooms (one with en-suite) and a main bathroom.

## **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 Crawley Down 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 the Countryside  
DP15 - New Homes in the Countryside  
DP21 - Transport  
DP26 - Character and Design  
DP27- Dwelling Space Standards  
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.

There are no relevant policies.

### **Crawley Down Neighbourhood Plan**

The Crawley Down Neighbourhood Plan was made in January 2016 and forms part of the development plan. The relevant policies are considered to be:

CDNP05: Control of New Developments  
CDNP06: Sustainable Drainage Systems  
CDNP08: Prevention of Coalescence  
CDNP09: Protect and Enhance Biodiversity  
CDNP10: Promoting Sustainable Transport

### **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  
DPN2 - Biodiversity net gain  
DPN4 - Trees, woodland and hedgerows  
DPN6 - Pollution  
DPC1 - Protection and enhancement of the countryside  
DPC3 - New homes in the countryside  
DPC6 - Ashdown Forest SPA and SAC  
DPB1 - Character and design  
DPBT1 - Placemaking and connectivity  
DPBT2 - Rights of way and other recreational routes  
DPB3 - Active travel

DPT4 - Parking and electric vehicle charging infrastructure  
DP1 - Housing  
DP2 - Sustainable development - outside the built up area  
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.

## 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;
- Impact on residential amenity;
- Highways;
- Impact on trees;
- Sustainability;
- Standard of accommodation;
- Flood Risk and Drainage;
- Ecology and Biodiversity Net Gain;
- Ashdown Forest; and
- 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 Crawley Down 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 temporary residential development meets criteria 1 as it is for less than 10 dwellings. However, it is not contiguous with the built-up area boundary nor considered sustainable. As all three criteria are required to be met, the proposal is thereby contrary to this policy.

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; or
- Exceptional design quality for isolated new homes; or
- Rural exception sites; or
- DP6 requirements being met.

Within this policy it states that *'Temporary agricultural dwellings essential to support a new farming activity either on a newly created agricultural unit or on an established one will be subject to the criteria above and should normally be provided by temporary accommodation.'*

The proposed residential development is for agricultural workers accommodation as detailed in the submitted Planning Statement and is accompanied by a business plan for 2024 - 2027. As such policy DP15 of the District Plan applies.

Paragraph 84 of the NPPF relates to isolated homes in the countryside and states in part that isolated homes in the countryside are acceptable where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

The application is submitted on the basis that the accommodation is required for the ongoing requirements of the agricultural holding. The planning statement sets out that the accommodation is required to provide essential on-site residence to enable the applicant to care for livestock, protect property, and manage the farm as outlined in the accompanying business plan. It sets out that Sandhill Farm is a 55-acre agricultural holding comprising of an Atcost barn, timber sheds, stables, 50 acres of grassland, and approximately 5 acres of woodland and footpaths. The farm has been under the applicant's management since 1995, initially under employment and subsequently as an owner upon inheriting the land in 2013. Due to a recent divorce, the sole dwellinghouse on the property was sold and no longer forms part of the agricultural holding, leaving no on-site residential accommodation. It is submitted that there is no alternative residential accommodation within or near the holding to meet the applicant's need. Temporary on-site accommodation is required to address this gap. In addition, it sets out that the business requires a full-time worker to be readily available for livestock welfare, security, and property management.

The proposal has been reviewed by the Council's Agricultural Adviser who has provided detailed comments which are available to view on the file. To summarise they consider that the information available relating to the farm needs, financial position and availability of other properties indicates overall that there is enough justification provided for the need for the rural worker to be on site. They conclude that given the application is for a temporary tied caravan accommodation, the business has justified the requirement for people to be on site, though most livestock do not need someone on site all year round and could be managed by someone living within ½ to 1 mile away if affordable accommodation could be found. A search for properties to rent within ½ mile of the site revealed no properties currently available and the local properties for sale are outside the affordability range for an agricultural worker. In addition, they consider that the business has demonstrated it is financially viable having shown a profit in two of the last three years, though investment on the farm must be supported by the Applicant's full-time job as farm profits are insufficient to repay any significant borrowings. As such they raise no objection to the proposal.

In view of these comments, it is considered that there is an agricultural need for a temporary dwelling and that the proposal complies with relevant criteria set out under policy DP15 of the District Plan.

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 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 afforded full weight.

Policy CDNP05 relates to the control of new developments. It does not restrict development solely to the built-up area but covers the Neighbourhood Plan area and sets out that residential development is subject to various criteria. The weight that can be afforded to this policy is considered to be moderate.

Therefore, the key test that must be undertaken when assessing this application is as set out within paragraph 11(c) of the NPPF.

In this case policy DP15 is considered to be the most important policy for determining the application as it relates directly to the development for which planning permission is sought. While it is considered that policy DP15 is consistent with the NPPF and can be given full weight in determining the application, the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. Having regard to this, and in light of footnote 8 of the NPPF, it is considered that the tilted balance, as set out within paragraph 11(d) of the NPPF, is engaged and the key test that should be considered in determining this application.

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.

### **Design and impact on character of area**

As noted above, policy DP12 of the District Plan seeks to protect the intrinsic character and beauty of the countryside.

Policy DP26 of the District Plan relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. In part the policy requires proposals to be of a high-quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.

Policy CDNP05 of the Crawley Neighbourhood Plan relates to the control of new development and sets out that new residential development will be granted subject to a number of criteria including that the scale, height and form fits unobtrusively with the surrounding buildings and the character of the area.

The proposal is for a temporary mobile home set at the end of Sandhill Lane. Along this lane there is a mixture in the design and scale of dwellings with properties set back from the highway. The mobile is of a standard design and appearance and would be set back from the lane. Whilst at a higher level than the road, it is not considered that it would result in a harmful impact on the character of the area and would be seen in context with the varying dwellings and the agricultural buildings on the site. In addition, existing trees and vegetation within the site would be retained and would screen the mobile home in part.

The mobile home is considered to maintain the character of the countryside in this part of Crawley Down and due to its temporary nature for a period of 3 years, it is considered that its siting would be acceptable to establish the need for an agricultural workers dwelling for the site.

In view of the above, the proposed development is considered acceptable in terms of design and scale, such that it should not detract from the appearance and character of the rural area, thereby according with policies DP12 and DP26 of the District Plan and policy CDNP05 of the Neighbourhood Plan.

### **Impact on residential amenity**

Policy CDP04.1 states that proposals should 'safeguard' adjoining neighbours amenity whereas policy DP26 of the MSDP states that development 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. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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 single storey nature of the mobile home and its position set away from the neighbouring properties, it is considered that the proposal would not result in significant harm to the amenities of surrounding residential properties.

The proposal thereby accords with policy DP26 of the District Plan.

### **Highways impact and parking**

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 appropriate opportunities to promote sustainable transport modes should be considered; safe and suitable access to the site can be achieved for all users; and 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.'*

Policy CDNP10 of the Neighbourhood Plan relates to promoting sustainable transport and requires amongst other criteria safely located vehicular and pedestrian access, and secure cycle storage.

Sandhill Lane is a private road. The site is situated at the end of the lane and at this point it is single track. Sandhill Lane is also maintained as Footpath WOR/58W/1. The site already has an existing access off the lane to serve the agricultural buildings and land. On the wider site there are areas of hardstanding used for the parking of vehicles. The proposal is to provide off road parking forward of the mobile home.

The Highway Authority has considered the proposal and raise no objection. They consider that as the proposal is to provide accommodation for persons who assist with security, maintenance and look after livestock when required at the farm that it would not be anticipated that a material intensification of use onto the publicly maintained highway would be generated over that already present at the site.

The proposed development is considered to accord with policy DP21 of the District Plan and policy CDNP10 of the Neighbourhood Plan.

### **Impact on trees**

Policy DP37 of the District Plan states in part that the *'District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

A Tree Protection Plan and Arboricultural Method Statement accompanies the application. Within the site there are a number of trees some in close proximity to the proposed mobile home. This sets out that all the trees are to remain and that there would be tree protective fencing around the site during the course of the development to protect the retained trees. It sets out that the mobile home would encroach into the root protection area (RPA) of a Goat Willow. However, this tree would be retained and any ground works would be limited around the tree with ground protection around the RPA.

The Council's Tree Officer has reviewed the proposal and has raised no objection to the proposal, subject to condition that works are carried out in accordance with the Tree Protection Plan and Arboricultural Method Statement.

In view of the above, the proposal is considered to accord with policy DP37 of the District Plan and policy CNP4 of the Neighbourhood Plan.

## **Sustainability**

Policy DP21 of the District Plan relates to transport and 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*.'

In addition, 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.

Para 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. This should be through a number of measures including through the reductions in greenhouse gas emissions and supporting renewable and low carbon energy and associated infrastructure.

A Sustainability and Energy Statement accompanies the application. This sets out that the caravan has been positioned for maximum passive solar gain to optimise natural lighting. It states that a significant portion of the caravan's power needs will be met through the 24-kW solar photovoltaic (SPV) array installed on the nearby barn, providing renewable, low-emission energy. In addition, rainwater harvesting would capture run-off and there would be water saving features within the mobile to limit water consumption.

On the basis of the submitted statement, the local planning authority is satisfied that consideration has been given to improving the sustainability of the development in accordance with policy DP39 of the District Plan.

## **Standard of accommodation**

Policy DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage as set out under the Government's Technical Housing Standards document published in March 2015.

The proposed mobile would comprise of an open plan kitchen, dining and living room, with 2no. bedrooms (one with en-suite) and a bathroom.

Nationally described dwelling space standards recommend that a 2-bed (3person) single storey dwelling has a gross internal floor area of 61 square metres.

The proposed development would exceed this requirement providing an internal floor area of some 71sqm, thereby providing a satisfactory standard of accommodation for future occupiers and complying with District Plan policy DP27.

## **Flood risk and drainage**

Policy DP41 of the District Plan relates to flood risk and drainage and advises in part that '*particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates*.'

The site lies within flood zone 1 and an area of very low flood risk.

Detailed drainage information has been provided in order to avoid a pre-commencement condition. The submitted Proposed Drainage Strategy sets out that surface water is to be discharged to an existing watercourse running to the side of Sandhill Lane. Roof drainage would be attenuated and discharged to the watercourse where attenuation would be through storm crates and a flow control chamber to restrict the flow. Foul drainage would be through an existing septic tank.

The Councils Drainage Team have considered the information provided and raise no objection subject to a condition to ensure that the works are carried out in accordance with the submitted Drainage Strategy prior to occupation.

The proposal is therefore considered to accord with policy DP41 of the District Plan.

## **Ecology and Biodiversity Net Gain**

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. There is a requirement for no net loss to biodiversity. The policy does not, however, require a specified net gain to biodiversity from the resulting development.

A similar ethos is within policy CDNP09 of the Neighbourhood Plan which relates to the protection and enhancement of biodiversity.

Para's 192 - 195 of the NPPF relate to habitats and biodiversity. Para 193 states in part '*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*'. In addition, it considers that '*development whose primary objective is to conserve or enhance biodiversity should be supported*'.

The site is located within a designated great crested newt red impact risk zone which indicates a high risk of great crested newts and suitable habitat on site. NatureSpace have considered the application and considers that the proposal would present a low risk to great crested newts or their habitats. They therefore suggest an informative to be attached to the decision if permission is granted.

A Preliminary Ecological Appraisal Report accompanies the application. This sets out that buildings B1 and B2 (disused chicken runs) have negligible bat roost potential and that there are no trees onsite with bat roost potential. It also sets out that the site does not support protected invertebrate species, therefore development would not result in any loss of suitable habitat to breeding birds nor badgers. It recommends a number of biodiversity enhancements of two bat boxes and two bird boxes, as well as an invertebrate box and nectar rich wildflowers close to the invertebrate box.

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)'.*

During the course of the application, the red line boundary has been amended in order to allow BNG to be provided onsite. The proposal will provide an excess of 10% BNG (12.97% increase) as set out in the submitted BNG metric.

The Council's Ecology Consultant has considered the Preliminary Ecological Appraisal Report and the BNG metric and raise no objection subject to conditions. They are satisfied that the submitted information provides sufficient information at application stage and that a BNG plan should be submitted prior to commencement as well as conditions requiring works to be carried out in accordance with the Preliminary Ecological Appraisal Report and a biodiversity enhancement layout plan.

The proposal thereby complies with policy DP38 of the District Plan, the provisions of the NPPF and the requirements of Schedule 7A of the Town and Country Planning Act 1990.

### **Impact on Ashdown Forest SPA and SAC**

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 Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").

The Unilateral Undertaking securing the SAMM and SANG contributions has been completed so it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords 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 suitable 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 provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

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.

### **PLANNING BALANCE AND CONCLUSION**

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Crawley Down Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP12, DP15, DP17, DP21, DP26, DP37, DP38, DP39 and DP41 and Neighbourhood Plan policies CDNP05, CDNP06, CDNP09, CDNP10 and CDNP11.

It is considered that the application complies with the development plan when read as a whole.

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.

Weighing in favour would be the potential viability of a rural business and the additional of one temporary unit of affordable rural residential accommodation.

There would be considered a neutral impact on the impact on the countryside, highways, impact on Ashdown Forest, drainage and protected species.

In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.

In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome any potential conflict with the development plan.

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

Therefore, it is considered that by virtue of the proposed grant of the temporary planning permission and the balancing exercise undertaken above that the development is acceptable in planning terms and temporary planning permission should be granted.

Decision:       Permission

Case Officer: Joanne Fisher