

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0002	Case Officer:	Andrew Horrell
Application Type:	Full Application		
Proposal:	Replacement dwelling house		
Site:	Foresters Cottage, Cross Colwood Lane, Bolney, Haywards Heath, West Sussex, RH17 5RX, ,		
Validation Date	8 Jan 2026	Overall Expiry Date:	8 Apr 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	8 May 2026
Target Date:	5 Mar 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Joanne Fisher	Date:	8 May 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0002

**Foresters Cottage, Cross Colwood Lane, Bolney, Haywards Heath, West Sussex, RH17 5RX,
Replacement dwelling house
Mr K Harvey**

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

MSDC Ecology Consultant: We recommend approval subject to conditions

Naturespace: No objection subject to conditions or informative placed on approval.

PARISH COUNCIL OBSERVATIONS

Objection due to overdevelopment within the setting of the High Weald AONB.

INTRODUCTION

Planning permission is sought for the erection of a replacement dwelling house and detached garage.

RELEVANT PLANNING HISTORY

DM/22/3737 - Proposed single storey rear extension to accommodate one lounge and two double bedrooms, extending beyond the rear wall of the original house by 8.00m, to a maximum height of 4.00m and the height of the eaves to 2.25m. (Prior Approval granted)

DM/23/2442 - Proposed erection of garage. (Approved)

DM/23/2443 - Proposed single storey side extension. (Approved)

DM/23/2444 - An additional storey aloft the original building only. (Prior Approval granted)

SITE AND SURROUNDINGS

Foresters Cottage is a one bedroom detached pitched roofed bungalow. The dwelling is characterised by timber cladding and timber doors and windows. The site is characterised by an existing detached timber garage.

To the north of the site is hedging and driveway to highway beyond, to the south of the site is the garden with hedging to woodland beyond, to the east of the site is woodland and to the west is the set forward neighbouring holiday let and Tyler House.

The site is outside of the built-up area of Bolney and lies within the countryside.

APPLICATION DETAILS

The existing detached pitched roofed bungalow measures 7m in depth, 9.5m in width with an approximate height to eaves of 2.7m and an overall height of 5.18m. This serves one bedroom, kitchen, lounge, hallway and bathroom.

The existing detached garage/outbuilding measures 8m in depth, 3.5m in width with an approximate height to eaves of 2.1m and an overall height of 3.3m.

The proposed replacement dwelling approximately measures 15.25m in maximum depth, 13m in maximum width with an approximate height to eaves of 5.7m and an overall height of 8.879m.

A two-storey rear gable with a Juliet balcony approximately measures 0.6m in depth, 3.1m in width with a height to eaves of 6.4m and an overall height of 7.9m.

The proposed dwelling is characterised by a front open porch, a side open porch and a rear patio and five roof lights. The ground floor would serve a snug, hallway, utility room, WC, boot room and open plan, lounge/dining room and kitchen. The first floor would serve four bedrooms, two en-suites and dressing room, and a bathroom. It will be characterised by face brickwork, hanging tiles and stonework

The proposed double garage approximately measures 7.2m in depth, 8.325m in width with a height to eaves of 2.5m and an overall height of 5.754m. This will be characterised by timber cladding.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

Mid Sussex District Plan

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

Relevant policies:

DP4 - Housing
DP5- Planning to Meet Future Housing Need
DP6 - Settlement Hierarchy
DP12 - Protection and enhancement of countryside
DP15 - New homes in the Countryside
DP21 - Transport
DP26 - Character and design
DP27 - Dwelling space standards
DP38 - Biodiversity
DP39 - Sustainable Design and Construction

Bolney Neighbourhood Plan

The Bolney Neighbourhood Plan was made on 21 September 2016.

BOLB1 - Built up Area Boundary
BOLE1 - Protect and Enhance Biodiversity
BOLE2 - Protect and Enhance the Countryside
BOLD1 - Design of New Development and Conservation
BOLT1 - Transport Impact of Development
BOLT3 - Off Street parking provision for new developments

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 hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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
DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN2 - Biodiversity Net Gain
DPC1 - Protection and Enhancement of the Countryside
DPC3 - New Homes in the Countryside
DPC6 - Ashdown Forest SPA and SAC
DPB1 - Character and Design
DPT3 - Active and Sustainable Travel
DPT4 - Parking and Electric Vehicle Charging Infrastructure
DPH1 - Housing
DPH2 - Sustainable Development - Outside of the Built up Area
DPH11 - Dwelling Space Standards
DPH12 - Accessibility

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 National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 131, 135, 161, 166 and 193 are considered to be relevant to this application.

National Design Guide

Technical Housing Standards

ASSESSMENT

Principle of Development

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 Bolney as defined by the District Plan. As such the site is located within the defined Countryside.

Policy DP12 of the District Plan is relevant to development in rural areas and states, in part:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map,

provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

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

A similar ethos is found in of the Bolney 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.'*

Policy DP15 of the District Plan refers to replacement dwellings in the countryside and sets out the requirements where this would be permitted, which states:

'Replacement dwellings in the countryside will be permitted where:

- The residential use has not been abandoned;*
- Highway, access and parking requirements can be met; and*
- The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.'*

The proposed replacement dwelling meets the above criteria.

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

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

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

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

'For decision-taking this means;

*c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;*

- i. The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'*

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

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

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

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

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

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 given full weight.

Therefore, the key test that must be undertaken when assessing this application is as set out within paragraph 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.

Design and Character

Policy DP26 of the District Plan states, in part:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and

villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- is of high quality design and layout and includes appropriate landscaping and greenspace;- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;
- protects open spaces, trees and gardens that contribute to the character of the area;
- 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'

Policy BOLD1 of the Bolney Neighbourhood Plan policy states:

'Planning permission for new development will ordinarily be permitted subject to the following criteria:

It is designed to a high quality which reflects Bolney's rural nature and responds to the heritage and distinctive character by way of; height, scale, spacing, layout, orientation, design and materials of buildings, and the scale, design and materials of the public realm (highways, footways, open space and landscape); and It does not have an unacceptable impact on the setting of any heritage asset; and It respects the natural contours of a site and protects and sensitively incorporates well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site; and It creates a safe, accessible and well-connected environment that meets the needs of its users; and It will not result in unacceptable levels of light, noise, air or water pollution, and where possible, it provides lock-up facilities for storage of bicycles, children's pushchairs and mobility vehicles to encourage walking and cycling and to assist accessibility.'

The proposed replacement dwelling would be of a different design and form to the existing dwelling, and would be significantly larger in footprint and height. However, the proposed dwelling would be of a form and scale which are considered to be in proportion and appropriate of the size of the site.

Whilst the dwelling would be more visible than the existing dwelling, it is in a sunken location and would be viewed in the context of the surrounding two storey dwellings including neighbouring set forward holiday let buildings to the north-west approved under DM/19/4236 and Tyler House.

The prior approval application for an additional storey (DM/23/2444) accepted that *" The dwelling is set back from Cross Colwood Lane which is a rural lane with sporadic residential development of a mix in design and scale of houses. It is considered that the increase in height would not result in significant detriment to the wider street scene or to the character of the area"*.

Whilst it is noted that the proposal is for a two storey dwelling of a larger footprint than that approved in 2023, the residential properties within the locality vary in design and materials, which contributes to the distinctive character of the area. The proposed dwelling would have a more contemporary appearance, however given the varied character of the locality, this design is not considered to be out of keeping and would be appropriate to the character of the area.

The Parish Council have objected to the proposal due to overdevelopment within the setting of the High Weald National Landscape (Formerly known as Area of Natural Beauty). Paragraph 189 of the NPPF states *"development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."*

Whilst the dwelling is a fair enlargement to the existing dwelling in both footprint and height, it is no closer to the adjacent National Landscape than the existing dwelling. As noted, similar two storey dwellings have a similar relationship to the proposed with the adjacent National Landscape. Therefore, it is not deemed harmful to the setting of the High Weald National Landscape.

Due to the above, the proposal is considered to be a form of development which would reflect the existing character and pattern of development within the area and would comply with policy DP26 of the Mid Sussex District Plan, BOLD1 of the Bolney Neighbourhood Plan the Mid Sussex Design Guide and the relevant provision of the NPPF.

Impact on Neighbouring amenities

In terms of impact on neighbouring amenities, Policy DP26 of the District Plan states that it must be demonstrated that any development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution.

Policy BOLD1 of the Neighbourhood Plan states that development proposals should 'not result in unacceptable levels of light, noise, air or water pollution'.

In cases where there is a discrepancy between District and Neighbourhood Plan policies, legislation states that greater weight should be given to the Plan (and policy) that has been adopted at a later date. In this instance the Bolney Neighbourhood Plan was made in September 2016 and the Mid Sussex District Plan adopted in March 2018. As such, it is considered that greater weight should be given to the District Plan policy, DP26, with the test being whether the proposal would result in significant harm to neighbouring amenities.

The closest neighbouring property to the proposal is the holiday lets set forward from Tyler House.

Whilst the creation of a first floor would cause a significant increase in overlooking from the existing situation. The proposal is some 65m from Tyler House. Therefore, harm is not deemed to be caused in terms of light, outlook, overlooking and privacy.

The proposed replacement dwelling would be positioned approximately 25m from the holiday cottage. Therefore, the level of overlooking from the first-floor side windows serving the bedrooms are not deemed significantly harmful.

The proposal is therefore considered to comply with policy DP26 of the Mid Sussex District Plan.

Impact on future occupants of the development

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1st October 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.

The proposal is to provide a 4 bedroom, 8 persons dwelling which from Officer calculations indicate would meet the floor space standards and therefore comply with policy DP27 of the District Plan and the National Dwelling Space Standards.

Transport

Policy DP21 of the District Plan among other matters requires 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.'

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

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

- a) *appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users;*
- c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) *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, following mitigation, would be severe, taking into account all reasonable future scenarios.'

The proposal enlarges the dwelling from a single bedroom to a four bedroom dwelling.

The proposed replacement dwelling would utilise the existing access onto the highway and no changes to this have been made. A replacement 2 bay garage is to be erected. Given the extent of the driveway and the proposed garaging, the proposal is considered to meet the requirements of WSCC Parking Standards for parking provision with sufficient space to provide secure cycle parking provision.

The site is located within the countryside and some distance from Bolney. The proposal would replace the existing dwelling on the site and would not result in a net increase in dwellings on the site, which is supported in principle and would provide sufficient space for bicycle storage for the unit. It is therefore considered that although the site is not located within a sustainable location, this is a one for one replacement of an existing dwelling and therefore the proposal does comply with the objectives of policy DP21 of the Mid Sussex District Plan and is acceptable.

Ecology

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

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

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

Paragraph 193 of the NPPF states:

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

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

The Council's Ecologist consultants have been consulted on the application and considered that the proposal is acceptable on ecology terms subject to conditions. This is agreed with by the officer.

The agent has agreed for an informative to be placed on any consent for development to cease if Great Crested Newts are discovered during development.

It is therefore considered that this proposal would also comply with the aims of policy DP38 of the Mid Sussex Plan and the NPPF.

Ashdown Forest

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

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

An overall Habitats Regulations Assessment has been undertaken for the planning application which includes the type of development proposed.

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 does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional 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.

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. 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 there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this proposed development.

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

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Sustainability

Policy DP39 of the Mid Sussex District Plan states:

'All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

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

Paragraph 161 of the NPPF states:

'The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk 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'.

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.'

A Sustainability Statement has been submitted with the application which states that the scheme proposes a number of energy efficiency measures to be incorporated within the development. This includes:

- Timber windows and door frames are to be used with an energy rating B
- A mains pressure fed heating and hot water systems is to be installed in conjunction with a class A rated condensing gas boiler.
- The ground floor is to be heated by an under floor wet system
- Water use will be in accordance with Policy DP42.
- Rainwater harvesting will be incorporated into the proposed scheme to enable the efficient and sustainable use of water for recycling washing machines, dishwashers, toilet cisterns.

It is considered these measures address policy DP39 in the District Plan and the measures will be formalised via condition.

Drainage

The proposed development is within flood zone 1 and is deemed as low fluvial flood risk and at a very low surface water flood risk. There are not any historic records of flooding occurring on this site and in this immediate area.

Overall, it is considered that the proposal would not cause an unacceptable risk to flooding. The proposal is thereby considered to comply with policy DP41 of the District Plan.

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)'.*

The Council's Ecologist has reviewed the submitted BNG Assessment, including the Baseline Habitat Map, and the Statutory Biodiversity Metric - Calculation Tool and is satisfied that the submitted information provides sufficient information at the application stage. They have recommended that a Biodiversity Gain Plan should be submitted prior to commencement of the development.

In line with the legislation on biodiversity net gain, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. This Plan is the mechanism to ensure that the biodiversity gain objective is met.

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 Bolney 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, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 and Bolney Neighbourhood Plan policies BOLB1, BOLE1, BOLE2, BOLD1, BOLT1 and BOLT3, the Mid Sussex Design Guide SPD and relevant paragraphs of the NPPF.

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

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

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

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

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

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

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

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

Decision: Permission

Case Officer: Andrew Horrell