

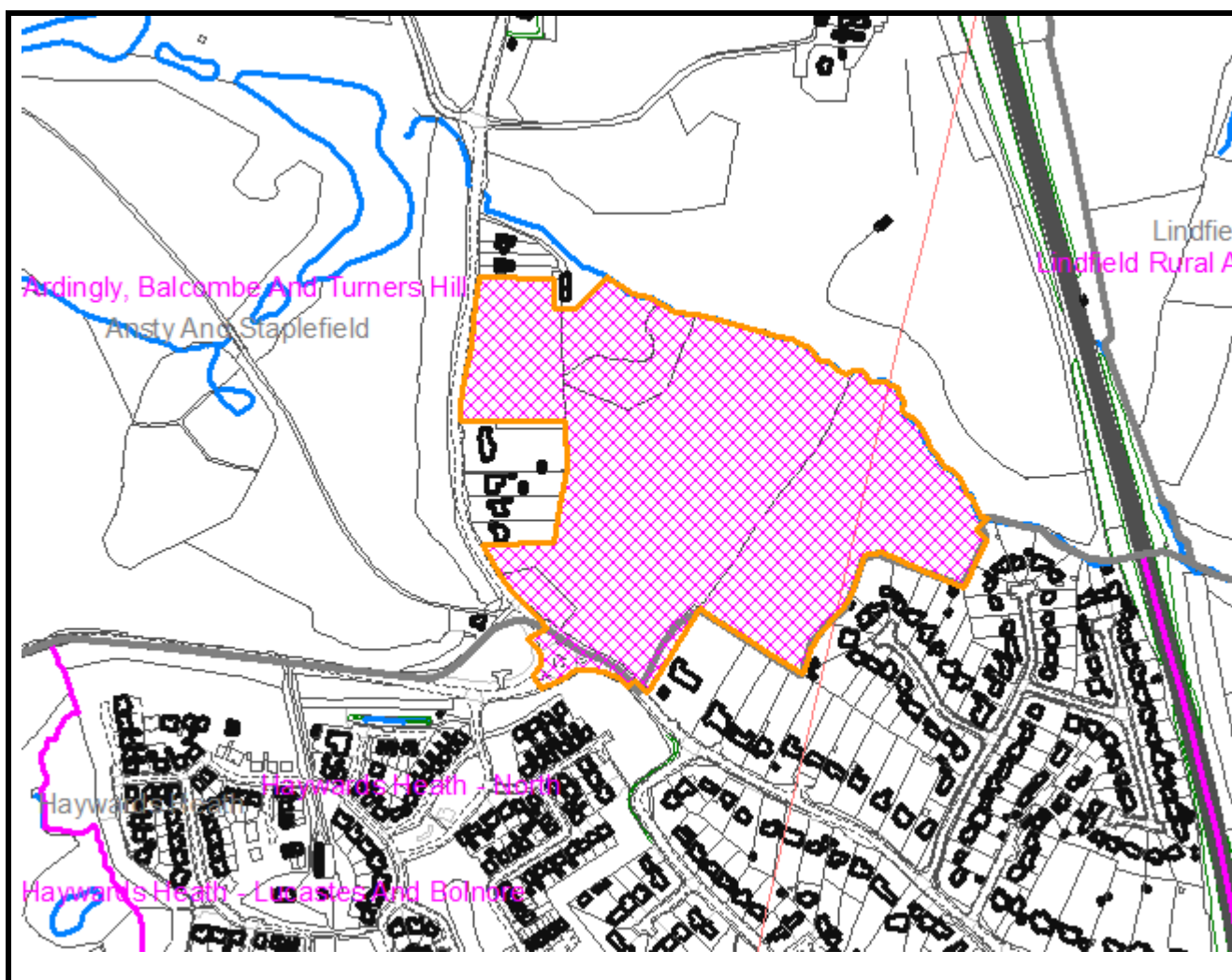
District Planning Committee



Recommended for Permission

16th July 2026

DM/25/3129



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Site:	Land At Borde Hill Lane Haywards Heath West Sussex
Proposal:	Outline planning application for the erection of up to 117 dwellings, together with the provision of landscaping, open space, and associated development works, with access from Balcombe Road. All matters reserved except for access. (Amended plans and supporting statements received 15th April reducing the number of proposed dwellings to up to 117 and reducing the size of the proposed roundabout). (Additional ecology information received 19/05/2026). (Additional highways information received 12/06/2026).
Applicant:	Fairfax Acquisitions Ltd

Category:	Smallscale Major Dwellings
Target Date:	24th April 2026
Parish:	Ansty And Staplefield
Ward Members:	Cllr Jenny Edwards / Cllr Gary Marsh /
Case Officer:	Steven King

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T6Y1KUKT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Interim Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks outline planning permission for the erection of up to 117 dwellings, together with the provision of landscaping, open space, and associated development works, with access from Balcombe Road. It is the means of access to be determined at the outline stage.
- 2.2 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Ansty and Staplefield Neighbourhood Plan (ASNP).
- 2.3 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 2.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Haywards Heath as defined by the District Plan. As such the site is located within the defined countryside.
- 2.5 Policy DP12 of the MSDP 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. The proposed development does not meet all of the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.
- 2.6 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan,

when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.

- 2.7 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. At the present time, 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 as set out in paragraph 11(d) of the NPPF. It is not considered that the application of policies referred to in paragraph 11(d)(i) of the NPPF provide a strong reason for refusal of the application. Therefore paragraph 11(d)(ii) is engaged' having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. 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.
- 2.8 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policy DP12 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application. It is considered that policy AS1 In the ASNP has limited weight because it conflicts with policies DP6 and DP12 in the MSDP in that it allows for developments of up to 10 units anywhere within the plan boundary.
- 2.9 The proposal would provide up to 117 dwellings, including 30% affordable housing. Given the inability of the Council to demonstrate a five year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.
- 2.10 In respect of its landscape impact, it is accepted that there will be a significant change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. It is accepted that many people would regard this as a significant adverse impact on the landscape. To meet the housing needs of the district, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.
- 2.11 The proposal would provide up to 117 dwellings, 30% of which would be affordable. The proposal complies with policies DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.
- 2.12 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.
- 2.13 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 2.14 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990 and the proposal will provide this.

- 2.15 There are no objections to the scheme from the Environment Agency or the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 2.16 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 2.17 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 2.18 Weighing against the application is the conflict with development plan policy in relation to policies DP6, DP12 and DP15 of the MSDP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five year housing land supply. The weight to be attached to policy AS1 is reduced because of its lack of conformity with policies DP6 and DP12 in the MSDP and the fact that it is a housing supply policy. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case. There is also a conflict with policy DP16 in the MSDP as there would be some adverse impact on views out of the HWNL into the site as a result of the change from undeveloped fields to a major housing development.
- 2.19 Also weighing against the application is the harm that would be caused to the setting of designated assets around the site. This results in a conflict with policies DP34 and DP36 of the MSDP. This harm would fall into the less than substantial category as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the less than substantial harm to designated heritage assets and the public benefits of the proposed development. In carrying out this balancing exercise, the decision maker should give significant weight to the less than substantial harm to properly reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable.
- 2.20 It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, the economic benefits including construction jobs, additional spending in the locality), do outweigh the less than substantial harm to the setting of the heritage assets in this instance.
- 2.21 It is also a material planning consideration that the site is proposed to be allocated for development under policy DPA7 in the Submission Draft District Plan. Furthermore, it is also a material planning consideration that in the Topic Paper MS-TP4 Housing Post Hearings Update, produced during the ongoing examination of the Submission Draft District Plan, the District Council has stated 'In accordance with the revised Site Selection methodology, the Council is satisfied that this additional yield can be supported and the allocation yield increased by 57 dwellings.' There are unresolved objections to policy DPA7 in the Submission Draft District Plan and therefore, only minimal weight can be given to policy DPA7 and the Topic Paper.
- 2.22 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.

- 2.23 In light of all the above it is considered that the proposal complies with policies DP17, DP20, DP21, DP26, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP and policy AS1 in the ASNP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing. Whilst the site is proposed to be allocated for housing in the Submission Draft District Plan, the weight that can be attached to this document at present is minimal because of the stage the plan is at in its examination and the unresolved objections to this plan. Nonetheless, the site selection process which underlies the Submission Draft District Plan supports the conclusion that DPA7 is one of the most suitable and sustainable sites which is capable of helping to meet the Council's housing need. The proposal also conflicts with policies DP16, DP34 and DP36 in the MSDP.
- 2.24 Taking all of this into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the Development Plan that have been referred to in this report, the proposal does conflict 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'.
- 2.25 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.
- 2.26 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.
- 2.27 The proposal would provide up to 117 new dwellings at a time when the Council cannot demonstrate a five year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 2.28 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.
- 2.29 The proposal would have a negative impact on the setting of a number of designated heritage assets. The proposal would also change the character of this part of the district

from a green field site to a housing development, which some people would regard as a negative change.

- 2.30 Your Officers are satisfied that the development complies with the final part of the paragraph 189 of the NPPF. Given this and having consideration of the assessment of the impact the proposed development would have on the setting of the High Weald National Landscape, it is not considered that there is a strong reason for refusal. As such it is not considered paragraph 11(d)(i) of the NPPF is engaged. Therefore paragraph 11(d)(ii) is considered relevant in the determination of this application.
- 2.31 It is considered that the proposed development will result in some harm to the adjacent protected landscape and as such there would be conflict with Policy DP16 of the MSDP. However, steps have been taken to minimise the impact on the setting of the High Weald National Landscape, through the reduction in the number of units and the revised parameter plans showing that there would not be residential development adjacent to Borde Hill Lane. Further details regarding landscaping and planting would come forward at the reserved matters stage. In the circumstances, your Planning Officer considers that the identified harm to be moderate and that there is no conflict with paragraph 189 of the NPPF.
- 2.32 It is your Planning Officer's view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this

3.0 Recommendation

3.1 Recommendation A

It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required infrastructure contributions, Travel Plan, and the biodiversity net gain requirements and the necessary affordable housing.

3.2 Recommendation B

If a satisfactory planning obligation has not been completed by 8th October 2026 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

'The proposal fails to provide the required affordable housing, the infrastructure contributions and the biodiversity net gain requirements. The application therefore conflicts with Policies DP20, DP31 and DP38 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions'.

4.0 Summary of Representations

Original Plans

200 letters of objection:

Principle

- overdevelopment of the site and twice as much development as proposed in the local plan allocation
- site not in current District Plan
- site is not allocated for development in current local plan and granting consent would undermine the plan led process
- conflicts with current District Plan

Landscape and Heritage

- enlarged roundabout will be out of character in the area
- will harm character of countryside and AONB
- Would cause harm to designated heritage assets, Sugworth Farmhouse and South Lodge

Transport

- will be car dependent and not sustainable
- train services are already overcrowded and expensive
- pedestrian crossing points are unsafe and people would have to cross Balcombe Road three times to access the site works to enlarge roundabout would cause significant and unacceptable disruption
- would be car dependent and conflict with aim of 20 minute neighbourhoods
- enlarged roundabout will reduce stopping sight distance, particularly on the Borde Hill Lane approach
- proposed roundabout design does not meet the same design safety parameters as the existing roundabout. Specifically, it relies on a stopping sight distance of 70m which is below the recommended 90m distance in DMRB for the traffic speeds put forward by Fairfax
- automated traffic count and speed surveys used by Fairfax in its submission are out of date and were likely recorded at an inappropriate distance from the roundabout to be credible in a robust safety assessment - and certainly inadequate to support any relaxation of forward visibility distances from those recommended in DMRB.
- simple research shows that traffic levels, especially light goods vehicles has increased significantly since November 2021 when the measurements were taken.

Infrastructure

- inadequate water supply for the development
- infrastructure cannot cope with these additional houses
- Local Harlands junior school is already full

Drainage

- development will result in drainage and flooding problems
- The four houses along Borde Hill Lane that are affected most by this development have septic tanks which all drain into the ditch that runs along the back of the boundaries (within the Sugworth Farm title). All four properties have a right to use this ditch and access it at all times for maintenance. Any newly built homes must not be anywhere near this ditch or disturb it in anyway

- Sewage Collection from the Existing Properties not on Mains
- Currently there are 4 houses and 4 semi-detached houses on Borde Hill Lane that are currently not connected to mains sewage (N-S: Willow Tree Cottage, Crowlink, Saxonmead, Buntinghill, Hill Cottage, Hazelwick, Woodsdale and Danesbury). Sewage effluent from the first four of these houses nearest to the roundabout flows from the individual sewage treatment plants into an open surface drainage ditch on the east side of these properties approximately 2m outside the property lines. For the past many years this drainage ditch has developed weeds that were cut down every year by the farmer. In the planning application this ditch appears sandwiched between the existing properties and the rear boundaries of new houses in the development. This is potentially an unsafe area for new resident children. This ditch needs provision for maintenance including weed control, enclosing in a culvert or removal. It is common land

Residential amenity

- development will be higher than my boundary and result in overlooking
- will devalue my property
- severe impacts during construction

Ecology

- will result in the removal of natural habitat that is used for bats, dormice, owls, deer, RED Kites and Sparrow Hawks
- would remove a large Oak tree at the site entrance

General comments

- will cause a risk to the railway embankment
- will not create jobs for local people
- no benefit to the local community
- will be adversely affected by train noise
- will reduce dark skies
- insufficient play space provision within development
- should create a water meadow/dog walking area in the suggested fields. At the top of the site build a single story dwelling for local scouts, cubs and beavers with secure outbuildings replacing the loss of Clair Hall with parking

Amended Plans and updated information

151 letters of objection

- Reduction in the number of units has not overcome the previous objections which still remain in place

2 letters of support

- It is on unfarmed land which would be better utilised for much needed housing along with all the benefits of extra wealth and employment such developments bring to the area.
- With the population continuing to expand, new homes will continue to be required.
- Whilst it is a shame the countryside needs to be eaten up by development, I have struggled to get suitable, affordable accommodation for 8 years

5.0 Summary of Consultees

WSSC Planning (Infrastructure)

Requires infrastructure contributions.

WSCC Local Lead Flood Authority

No objection subject to conditions.

WSCC Highway Authority

No objection subject to conditions and completion of a section 106 legal agreement.

WSCC Fire and Rescue Service

To be reported

Active Travel England

Refers to standing advice.

Sussex Police Crime Prevention

I have no detailed comments to make at this stage.

Sussex Police Infrastructure

Requires infrastructure contributions.

West Sussex Clinical Commissioning Group

Require an infrastructure contribution.

Environment Agency

No objection subject to condition regarding flood risk. Recommend that expert advice is sought in relation to surface water disposal.

Ecological Consultant

No objection subject to condition

Nature Space (Great Crested Newts)

Recommended that a Precautionary Working Methods Statement (PWMS) is written by a suitably qualified ecologist and submitted to the Local Planning Authority for approval prior to determination or secured in a condition. Updated surveys on all ponds with ecological connectivity to site are likely to be required at reserved matters stage.

Landscape Consultant

If minded for approval, recommend further documents are submitted relating to landscape strategy, SuDS strategy, hard and soft landscaping and landscape management plan.

Heritage Consultant

No objection subject to condition regarding archaeological investigation.

Contaminated Land Officer

No objection subject to phased contaminated land condition.

Environmental Health Officer

No objection subject to conditions.

Housing Enabling Team Manager

Will be able to support if the applicant provides the required 30% (36 units) of affordable accommodation in the appropriate form, mix and size

Tree Officer

Please condition adherence to AIA, if the application is approved.

Section 106 & Infrastructure Manager

Requires infrastructure contributions towards outdoor sports, play areas, community buildings and local community infrastructure

Conservation Officer

The proposal will result in harm to the setting of heritage assets at Sugworth Farmhouse, South Lodge and Borde Hill Gardens. This would be contrary to policies DP34 and DP36 in the District Plan. I consider this harm to be in the less than substantial range such that the balancing exercise set out in paragraph 215 of the NPPF is required.

Historic England

We do not wish to offer any comments.

The Gardens Trust

No comments received.

High Weald AONB Unit

No comments received.

Architect/Urban Designer

This is a well-thought-through scheme that had addressed most of the concerns raised at the previous consultation. I have reviewed the additional information submitted and support the proposed reduction and redesign of the roundabout.

However, the amended plans have not addressed my other comments, and these will need to be addressed at the Reserved Matters stage.

Haywards Heath Town CouncilOriginal Plans

The Town Council wishes to state its strong OBJECTION to this proposal for the following reasons:

1. Traffic, Highway Safety, and Sustainable Transport

The Town Council has severe concerns regarding the additional traffic this proposal would generate. Surrounding rural and semi-rural roads, including Balcombe Road, Borde Hill

Lane, and Hanlye Lane, are narrow and lack capacity for further widening. The National Planning Policy Framework ("NPPF") states that development should be refused on highway grounds if the residual cumulative impacts on the road network would be "severe".

The Town Council contends that the local highway network has reached a critical saturation point. The addition of 125 dwellings, combined with the inherently constrained nature of narrow rural lanes as mentioned above, creates a cumulative impact that is likely to create a 'severe' impact under the terms of NPPF Paragraph 116. As the network lacks the physical capacity for further widening or suitable mitigation, the residual impact is an unavoidable state of gridlock that would compromise the strategic function of the north Haywards Heath road network. The Town Council is also of the view that the current application does not contain the information required for the Highways Authority to make a fully informed conclusion as to the impact to the area.

Furthermore, the lack of safe pedestrian routes on Borde Hill Lane and the fragmented pavement on Balcombe Road shows that pedestrian and cycle movements have not been given priority in the application. This also fails the requirement of NPPF Paragraph 115 to ensure that "safe and suitable access to the site can be achieved for all users".

2. Unsuitability of Proposed Infrastructure and Design

The proposed enlarged multi-lane roundabout is inappropriate in a semi-rural setting. NPPF Paragraph 135 requires that developments are "visually attractive" and "sympathetic to local character and history, including the surrounding built environment and landscape setting". A multi-lane roundabout is fundamentally at odds with the character of the narrow single-lane roads it serves. Furthermore, NPPF Paragraph 198 requires that development be appropriate for its location, taking into account the "likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment," which directly supports our concerns regarding noise and dust from the elevated roundabout.

3. Inappropriate Development in Areas of Flood Risk

The site's history as a functional flood plain for the Scrase Stream makes it unsuitable for residential development. NPPF Paragraph 170 is clear that "inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk". By introducing significant hardstanding, this proposal risks increasing flood risk elsewhere, contrary to NPPF Paragraph 181. The Town Council believes the proposal fails to demonstrate that any "residual risk can be safely managed".

4. Failure to Conserve and Enhance the Natural Environment

The proposal would result in the loss of vital wildlife corridors and mature trees, which serve as "natural capital". As the site sits adjacent to the High Weald National Landscape (AONB), it must be assessed against NPPF Paragraph 187, which states that planning decisions "protect and enhance valued landscapes" and recognise the "intrinsic character and beauty of the countryside". The scale of this development would significantly diminish the landscape buffer between the town and the protected National Landscape.

5. Pressure on Local Infrastructure and Sustainable Development

Sustainable development requires a "social objective" to support healthy communities with "accessible services". The proposal provides no on-site services or amenities, and with local schools already oversubscribed, it fails to "align growth and infrastructure" as required

by NPPF Paragraph 11. This lack of infrastructure provision places the development in direct conflict with the NPPF's overarching objective to foster well-designed, safe places with accessible services.

6. Conflict with the Plan-Led System

The NPPF states that the planning system should be plan-led. This site is not allocated in the current Mid Sussex District Plan (2014-2031). While it is noted in the emerging draft Plan, it is allocated for only 60 units. A proposal for 125 units represents an unsustainable density that would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole. In addition, it is noted that the site is not allocated in the Ansty and Staplefield Neighbourhood Plan or the Haywards Heath Neighbourhood Plan.

The Town Council concludes that for the reasons set out above, including the severe residual cumulative impacts on the highway network, flooding risks, unacceptable safety risks to pedestrians, and the unjustified environmental harm to a site adjacent to a National Landscape, the application should be refused.

Balcombe Parish Council

Balcombe Parish Council wishes to reiterate its opposition to this proposal. We have previously objected to its inclusion in the District Plan.

Our main objections are its proximity to the High Weald AONB, loss of agricultural land with considerable landscape character, the setting of the enlarged access roundabout adjacent to the lodge at Borde Hill and generated traffic through the village of Balcombe.

The site abuts the southern boundary of the AONB and its affect upon the AONB must be a weighty consideration. In planning terms views from the AONB should be preserved. The site offers considerable landscape character. It is a beautiful valley affording exceptional character to the northern edge of the settlement of HH and to the views southwards from the AONB.

During the previous Penland Road development the developer was required to move the new roundabout south away from the Borde Hill's south lodge. This proposal enlarges that roundabout and must result in a further detrimental effect on the setting of the lodge. The enlarged roundabout itself is double the size of the existing and would be an urbanising and intrusive feature within the site. It results in further loss of trees, hedgerow and character as it encroaches and setting of the countryside edge of this area of HH.

Loss of agricultural land should be resisted. In particular here adjacent to the AONB. Other sites for land within MSDC exist and this site should be discounted in preference to other more suitable sites.

Traffic impact through the village of Balcombe should be considered. The direct and fastest route north to centres of employment such as Gatwick Airport and Crawley is to drive north through the village of Balcombe and join the M23 at junction 10a. the development of this site would result in an increase in traffic through the village of Balcombe. The village has a very unusual, constrained road layout in the village centre and housing close to the road. The village already suffers considerably from excessive traffic numbers and this is yet another incremental increase, which has led to significant traffic growth in the past few years.

Whilst assessments of landscape character presented to MSDC downplay the role of this valley we see them as flawed. Anyone standing on the road edge and looking outwards to this tract of land can see its considerable value in landscape terms and in its setting along the southern edge of the AONB. It should perhaps have been included in the AONB such is its distinct character and setting at the southern foot of the escarpment leading up to the AONB.

6.0 Ansty and Staplefield Parish Council Observations

Original Plans

Ansty & Staplefield Parish Council would like to oppose this planning application on the following:-

The proposal consists of major development within the countryside, out of keeping with the rural character, which fails to protect the distinctiveness of the area by extending the settlement boundary of Ansty, resulting in the perceived coalescence with Cuckfield, eroding the rural nature of the site which is further harmed by the proposed loss of trees. Contrary to policies DP12: Protect and enhance the countryside, DP13 prevent coalescence, DP16 High Weald national Landscape, DP37 Trees, DP38 Biodiversity, DP41 Flood Risk and drainage and DP37 of the Mid Sussex District Plan 2014-2031, policies AS1 Protect Countryside AS4 HWNL AS5 prevent coalescence AS13-15 Land Drainage of Ansty and Staplefield Neighbourhood Plan and Roundabout - Unnecessary repeat of previous application which was refused and reduced.

Due to the location and scale of the development, the proposal would result in an unacceptable urbanising feature, eroding the rural nature of the site that makes a positive contribution to the setting of the HWNL. The proposal would therefore fail to avoid and minimise the adverse impact on the High Weald National Landscape to the detriment of the scenic beauty of the designated area. This goes against paragraph 189 of the NPPF.

Amended plans

ASPC would like to re-iterate their objection to this development. Our last submission being:

'The proposal consists of major development within the countryside, out of keeping with the rural character, which fails to protect the distinctiveness of the area by extending the settlement boundary of Ansty, resulting in the perceived coalescence with Cuckfield, eroding the rural nature of the site which is further harmed by the proposed loss of trees.

Contrary to policies

DP12: Protect and enhance the countryside

DP13 prevent coalescence,

DP16 High Weald national Landscape,

DP37 Trees

DP38 Biodiversity

DP41 Flood Risk and drainage and

DP37 of the Mid Sussex District Plan 2014-2031, policies

AS1 Protect Countryside

AS4 HWNL

AS5 prevent coalescence

AS13-15 Land Drainage of Ansty and Staplefield Neighbourhood Plan and.

Roundabout – Unnecessary repeat of previous application which was refused and reduced.

Due to the location and scale of the development, the proposal would result in an unacceptable urbanising feature, eroding the rural nature of the site that makes a positive contribution to the setting of the HWNL. The proposal would therefore fail to avoid and minimise the adverse impact on the High Weald National Landscape to the detriment of the scenic beauty of the designated area. – Goes against paragraph 189 of the NPPF.'

Ansty & Staplefield Parish Council still believe, despite the minor changes, that this is still over development.

7.0 Introduction

- 7.1 This application seeks outline planning permission for the erection of up to 117 dwellings, together with the provision of landscaping, open space, and associated development works, with access from Balcombe Road. It is the means of access to be determined at the outline stage. The details of the layout, scale, appearance and landscaping would be provided in a subsequent reserved matters application.

8.0 Relevant Planning History

- 8.1 None relevant.

9.0 Site and Surroundings

- 9.1 The site comprises an irregularly shaped parcel of land, some 9.4 hectares in area. It is to the northeast of the Borde Hill Lane/Balcombe Road/Hanlye Lane roundabout. The site comprises agricultural land, broadly described as comprising three fields, interspersed with hedgerows. There are some significant changes in levels through the site, with the land falling from the western side by the roundabout, down towards the watercourse at the northeastern edge of the site. The field parcel on the far northwestern side of the site is at a higher level than Borde Hill Lane.
- 9.2 The western field parcel has linear residential development at the northern and southern ends of the field parcel. To the west there are trees and hedging on the boundary. To the southwest is the development at Penland Farm. This comprises a mix of two and three storey development. To the east of the site are the properties at the end of the cul-de-sacs of Orchard Way and Fairfield Way.
- 9.3 There is a watercourse running along the northern boundary of the site. Beyond this the land rises and the London to Brighton railway line runs north/south.
- 9.4 There are several heritage assets near the site. Some 230m to the north of the site is the grade II listed Sugworth Farmhouse. On the opposite side of Borde Hill Lane, some 35m from the site, is the grade II listed South Lodge. On the opposite side of Borde Hill Lane to

the west of the site is Borde Hill Gardens, which are registered as a Park and Garden of Special Interest.

- 9.5 In terms of planning policy, the site lies outside the built up area and is defined as being within the countryside in the Mid Sussex District Plan (MSDP). On the opposite side of Borde Hill Lane to the west of the site is the boundary of the High Weald National Landscape, formally known as the High Weald Area of Outstanding Natural Beauty (AONB). The site is within the Ansty and Cuckfield Neighbourhood Plan area and adjoins the Haywards Heath Neighbourhood Plan area to the southeast.
- 9.6 In terms of emerging policy, the site is proposed to be allocated for 60 dwellings in the Submission draft District Plan under policy DPA7. Following the closure of the first set of Hearings into the Submission Draft District Plan, the Councils Topic Paper MS-TP4: Housing Post Hearings Update, refers to the Council being satisfied that the yield from the site can be increased by 57 dwellings, which brings the total number of dwellings to 117.

10.0 Application Details

- 10.1 This application seeks outline planning permission for the erection of up to 117 dwellings, together with the provision of landscaping, open space, and associated development works, with access from Balcombe Road. It is the means of access to be determined at the outline stage. The details of the layout, scale, appearance and landscaping would be provided in a subsequent reserved matters application.
- 10.2 The submitted plans show that the existing roundabout on the Borde Hill Lane/ Balcombe Road junction would be enlarged and a new arm formed on the side to provide access into the site. The proposed new roundabout would extend some 14.5m to the north of the existing carriageway edge. The roundabout would be enlarged from its current diameter of 30m to a new diameter of some 33m and would move northwards. The plans show the first 23m of access road into the site, and it is this that is to be determined at the outline stage. In addition, the plans show a pedestrian access into the site, located some 36m to the east of the roundabout, which would provide access onto the Balcombe Road.
- 10.3 The application is supported by an illustrative layout plan, building height parameter plan and a land use parameter plan. The purpose of the illustrative plan is to demonstrate that the quantum of development that is sought by the applicants could be accommodated on the site.
- 10.4 The illustrative layout plan shows that there would be an area of open space either side of the new access road into the site. This would include a play area on the western side of the access road. The plans show that there would be residential development in the two main field parcels, with the access road turning into the eastern field parcel towards the southeastern side of the site. The building height parameter plans show the residential development would be 2 storeys in height (10m to ridge).
- 10.5 The illustrative layout plan shows the site broadly laid out in a perimeter block arrangement. The houses at the northern edge of the site are shown facing out towards the road which runs around the perimeter of the site.
- 10.6 The north and northwestern part of the site would be undeveloped. This would retain the gap between the properties of Buntinghill and Hill Cottage that front onto Borde Hill Lane.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 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,*
 - b) And local finance considerations, so far as material to the application, and*
 - c) Any other material considerations.'*
- 11.3 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.'*
- 11.4 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.
- 11.5 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.
- 11.6 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Sites Allocations Development Plan Document (SADPD) and the Ansty, Staplefield and Brook Street Neighbourhood Plan (ASNP).
- 11.7 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.
- 11.8 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 11.9 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application was submitted after mandatory biodiversity net gain coming into effect, so this application is subject to the 10% mandatory biodiversity net gain introduced under schedule 7A referred to above.
- 11.10 The following list of policies are relevant in the determination of this application.
- 11.11 Mid Sussex District Plan (MSDP) 2014-2031**
- The District Plan was adopted at Full Council on 28th March 2018. Relevant policies:
- DP4 Housing

DP6 Settlement Hierarchy

DP12 Protection and Enhancement of Countryside

DP13 Preventing Coalescence

DP15 New Homes in the Countryside

DP16 High Weald Area of Outstanding Natural Beauty

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

DP20 Securing Infrastructure

DP21 Transport

DP23 Communication Infrastructure

DP24 Leisure and Cultural facilities and Activities

DP26 Character and Design

DP27 Dwelling Space Standards

DP28 Accessibility

DP29 Noise, Air and Light Pollution

DP30 Housing Mix

DP31 Affordable Housing

DP34 Listed Buildings and other Heritage Assets

DP36 Historic Parks and Gardens

DP37 Trees, Woodland and Hedgerows

DP38 Biodiversity

DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

DP42 Water Infrastructure and the Water Environment

11.12 Mid Sussex Site Allocations Development Plan Document (SADPD)

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

SA38 Air Quality

11.13 Ansty, Staplefield & Brook Street Neighbourhood Plan

The Ansty, Staplefield & Brook Street Neighbourhood Plan (ASNP) was made on 2nd February 2017. Relevant policies:

AS1 New Housing Development

AS4 Housing Mix

AS11 High Speed Broadband

11.14 Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

11.15 Other Material Considerations

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

11.17 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 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.

11.18 The site of this application is proposed to be allocated for development under policy DPA7 in the Submission Draft District Plan. Policy DPA7 refers to the site as land east of Borden Hill Lane, Haywards Heath, and proposes to allocate the site for 60 dwellings. The policy refers to the following being provided on site:

- Play area
- Natural, semi-natural and amenity green space

11.19 The policy refers to financial contributions towards the provision of:

- Sustainable Transport
- Improvements at Haywards Heath Station
- Education
- Library
- Community buildings
- Local Community Infrastructure
- Emergency services
- Health
- Other outdoor provision
- Outdoor sports

- Parks and Gardens

11.20 The policy also refers to the provision of:

- Highway works
- Sustainable transport measures

11.21 Position Statement 1: Delivering Sustainable Development in Mid Sussex

- 11.22 Approved by the Council in December 2025, the position statement is a material consideration in the determination of planning applications and provides guidance on how the Council will consider speculative planning applications to ensure future development takes place in the right places, is delivered in a sustainable and high-quality manner and is accompanied by the necessary infrastructure.
- 11.23 Section 5 of the Position Statement sets out that the Council continues to support the delivery of the housing sites and sustainable communities identified for development of the Submission Draft District Plan, of which the application site is one (policy DPA7 refers). It should be noted that this proposal is for a quantum of development that is greater than is referred to in policy DPA7.
- 11.24 The Position Statement sets out that the Council will expect planning applications on the preferred sites to comply with the site-specific principles as set out in the Submission Draft District Plan. This reflects that many of the site-specific policy principles were the subject of discussion and agreement with site promoters/developers during the preparation of the Plan.
- 11.25 Section 6 of the Position Statement sets out eight decision making principles, which reflect the chapters of the Submission Draft District Plan, which need to be taken into account as part of the decision process for any application. These principles are as follows:
- Sustainability
 - Natural Environment and Green Infrastructure
 - Countryside
 - Built Environment
 - Transport
 - Economy
 - Housing
 - Infrastructure
- 11.26 Following the conclusion of the hearing on 19th March, the Inspector wrote to the Council (IDJB-012) with his interim conclusions and action points. In relation to housing, these were (in summary):
- The Plan Period shall be 2021 – 2040, reflecting the additional year proposed by the Council at Submission.
 - The appropriateness of the Local Housing Need (LHN) starting point was confirmed – 999 dwellings per annum (dpa) from 2025 onwards with figure for past plan period years reflecting the LHN at that time.
 - To increase the housing requirement to include a specific number of homes to meet a proportion of neighbour's unmet needs – principally at Crawley but also having regard to the south coast.

- To aim for an overall housing requirement of 1,200 – 1,300dpa
- To give consideration to the need for headroom i.e. the theoretical excess of housing supply over housing requirement, and recalculate windfall.
- To test the Council's ability to meet a requirement towards the upper end of that range through the identification of additional housing sites.
- To identify the additional sites using a revised Site Selection Methodology [MS-12] as a guide, with the reasons for selecting or rejecting sites clearly justified.

11.27 In the Topic Paper entitled MS-TP4: Housing Post Hearings Update, it is noted the District Council has considered whether any additional/new information provided for existing sites within the Submission District Plan would support a higher yield. The Topic Paper states in paragraph 1.41 that *'In accordance with the revised Site Selection methodology, the Council is satisfied that this additional yield can be supported and the allocation yield increased by 57 dwellings.'* This Topic Paper is a material planning consideration. The increased yield would be a modification to the plan, would be subject to consultation and a decision by the Inspector. Therefore, as it is not certain that the increased yield will be carried forward, the weight to be given to the Topic Paper is limited.

11.28 Mid Sussex Design Guide Supplementary Planning Document (SPD)

11.29 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.

11.30 SDP Development Infrastructure and Contributions (2018)

11.31 Affordable Housing Supplementary Planning Document (SPD)

11.32 WSCC: Guidance on Parking at New Developments (Sept 2020)

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

11.34 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.

11.35 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.'*

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

11.37 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.'

11.38 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.'

11.39 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.

11.40 National Planning Policy Guidance (PPG)

12.0 Assessment

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

- The principle of development
- Transport matters
- Landscape Impacts and impact on agricultural land
- Heritage Assets
- Design/layout/housing mix, sustainability
- Affordable housing and mix
- Noise
- Residential amenity
- Air quality
- Contaminated land
- Trees and Ecology
- Drainage
- Infrastructure
- Ashdown Forest
- Planning Balance and Conclusion

12.2 Principle of Development

12.3 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.

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

12.5 Policy DP12 of the MSDP 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. The proposal does not meet all the criteria of policy DP12.

12.6 Policy DP6 of the MSDP 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.'*

12.7 The proposed residential development does not meet all these criteria.

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

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

12.9 The proposed residential development does not meet any of these special justifications.

12.10 There are no other relevant policies in the District Plan, any other Development Plan documents such as the SADPD, or the Neighbourhood Plan that would explicitly support the residential development of this site.

12.11 As the site is not allocated for residential development in the Development Plan, the application is in conflict with policies which are central to the principle of development at this location, and your Planning Officer considers that the proposed development does not accord with the Development Plan, when read as a whole. 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. It is therefore necessary to consider other material planning considerations which outweigh this conflict with the development plan.

12.12 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.

12.13 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).

- 12.14 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.'

- 12.15 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.

- 12.16 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.

- 12.17 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.

- 12.18 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).

- 12.19 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.
- 12.20 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.
- 12.21 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.
- 12.22 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.

- 12.23 Policy AS1 in the ASNP states:

'The Ansty, Staplefield and Brook Street Neighbourhood Plan area is subject to significant environmental constraints and as a result new housing should be focused within the Development Boundary of Ansty as identified in the proposal map. Other proposals for small scale housing development of up to 10 units, to meet identified local need will only be permitted subject to the criteria below and compliance with other policies within the plan, in particular AS2 and AS3:

- a) The proposed development contributes to sustainable development;*
- b) Any application is supported by assessment of the environmental and visual impact of the proposal and include as necessary appropriate mitigation measures.*
- c) An application is supported by a robust assessment of the impact of the proposal upon the local highway network.*
- d) The proposal provides a mix of tenure types including private, social rented and shared equity (intermediate) to meet local housing need.*

All other development proposals outside the Ansty Development Boundary will not be permitted unless:

- They comply with the countryside policies of the Mid Sussex Local Plan 2004 or the Mid Sussex District Plan once it is adopted; Or*
- They relate to necessary utilities infrastructure where no reasonable alternative location is available.'*

It is considered that this policy has limited weight because it conflicts with policies DP6 and DP12 in the MSDP in that it allows for developments of up to 10 units anywhere within the plan boundary.

- 12.24 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.

12.25 Transport matters

12.26 Policy DP21 in the MSDP states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- A high quality transport network that promotes a competitive and prosperous economy;*
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- Access to services, employment and housing; and*
- A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

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

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

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

- 12.27 With regard to the NPPF section 9 deals with 'promoting sustainable transport' and paragraphs 115 – 118 directly relate to the 'consideration of development proposals', and they are set out below;

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

a) sustainable transport modes are prioritised taking account of the vision for the site, 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 Code48; 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 through a vision-led approach.

116. 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.

117. Within this context, applications for development should:

a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

118. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.'

- 12.28 Policy DPA7 of the Submission Draft District Plan lists the following requirements in relation to transport:
3. Provide suitable vehicular, pedestrian and cycle access from Borde Hill Lane via a fourth arm from the roundabout, south west of the site.
 4. Roundabout to be enlarged and positioned to allow safe movement of road users and provision of new dropped kerbs and tactile paving on southern approach, in agreement with the Highway Authority.
- 12.29 Although, for the reasons set out in paragraph 11.17 of this report, policy DPA7 has limited weight, this list remains helpful in identifying the site-specific requirements which are necessary in order to satisfy paras 115-118 of the NPPF.
- 12.30 There are several differing highway elements that need to be considered when determining this application; Access arrangements; Impact on highway network; Sustainable transport; and Parking. All these elements will be considered separately in the following paragraphs.
- 12.31 Access arrangements and offsite works
- 12.32 The proposed plans show that the existing roundabout at the end of Borde Hill Lane would be enlarged from its current diameter of some 29m to a new diameter of some 33m. It would be realigned so that it was some 14m to the northeast. There would be a new arm on the northeastern side of the roundabout into the proposed development. The plans show tactile paving at the southern end of Borde Hill Lane to allow pedestrians to cross onto a new section of footway on the opposite side of the road, which would then run along Hanlye Lane for some 40m beyond the roundabout.
- 12.33 The plans show a pedestrian and cycle access into the site off Balcombe Road. This would be some 38m south of the realigned roundabout. The plans show tactile paving and a central refuge for pedestrians opposite this cycle and pedestrian access to allow pedestrians to cross Balcombe Road. On each arm of the roundabout there would be tactile paving and a central refuge to allow pedestrians to cross. The plans show a 'jug handle' arrangement on the northbound approach to the site access to take cyclists off the carriageway prior to crossing Balcombe Road.
- 12.34 The plans show two bus stops on the carriageway on Hanlye Lane. These would be marked out on the road, with the bus stop on the westbound carriageway located closer to the roundabout than the bus stop on the eastbound carriageway.
- 12.35 With regards to the roundabout, the Transport Addendum 2, produced by the applicant's transport consultants, states that the roundabout design complies with Design Manual for Roads and Bridges (DMRB) criteria. Visibility splays compliant with DMRB requirements for the desirable minimum stopping distances have been provided on all approach arms of the roundabout. Borde Hill Lane and Balcombe Road, with recorded speeds above 50 kph, adopt the 60 kph DMRB criteria. Hanlye Lane, with its lower recorded speed, and the development access adopt the 50 kph DMRB criteria. This gives a requirement for a desirable minimum Stopping Sight Distance (SSD) of 90m on Borde Hill Lane and Balcombe Road and a desirable minimum SSD of 70m on Hanlye Lane and the development access. The DMRB visibility splays are acceptable to the LHA. The LHA are also satisfied that the design of the roundabout incorporates an overrun area that large vehicles such as buses and articulated lorries are required to use.

12.36 The LHA has considered the applicants proposals, which have been the subject of a Stage One Road Safety Audit (RSA). The LHA has accepted the conclusions of the Road Safety Audit Log. The LHA have raised no objections in relation highway safety matters and are satisfied with the proposed means of access into the site. Your Planning Officer has no reason to disagree with the conclusions of the LHA on this point.

12.37 Impact on highway network

12.38 The Developers Transport Assessment Addendum anticipates that a development of 117 dwellings would generate around 481 two-way trips in the twelve hour period between 07:00 and 19:00. In the am peak between 08: 00 and 09:00 the applicants anticipate that there would be some 14 trips in and 38 trips out of the site, and in the evening peak between 17:00 and 18:00 there would be some 39 trips in and 19 trips out. The modelling of the roundabout for the future year of 2030 shows it operating under capacity. The applicant has also carried out additional work in a second Transport Addendum that seeks to establish that it is realistic to be able to achieve a 10% reduction of the original trip rates through the use of a Travel Plan.

12.39 The LHA has assessed all the applicant's submissions, and their full comments are available on the planning file. The test in both policy DP21 in the MSDP and paragraph 116 of the NPPF, of development only being prevented or refused on highway grounds if the residual cumulative impacts, following mitigation would be severe, is a high bar. Your Planning Officer agrees with the comments of the LHA, that the proposed development would not result in a severe impact on the highway network that would justify a refusal of planning permission. The LHA are the statutory body responsible for the road network in Mid Sussex and their views should be afforded significant weight in the decision-making process.

12.40 Sustainable Transport

12.41 In line with guidance in the NPPF, the applicants have provided a Transport Vision for the site in their Transport Assessment (TA). The TA refers to the aim of creating a sustainable, liveable community where residents are not reliant on or feel it necessary to travel by private car for all journeys.

12.42 The NPPF defines a Travel Plan as '*A long-term management strategy for an organisation or site that details how agreed sustainable transport objectives are to be delivered, and which is monitored and regularly reviewed car and cycle parking.*' The applicants have provided a Framework Travel Plan, which has been assessed by the LHA. The main target is to reduce the number of vehicle trips between 07:00 and 19:00 by 10% compared to the value stated in the Transport Assessment. This predicted a total of 481 two-way trips over this twelve hour period. The aim is therefore to reduce this to fewer than 432 two-way trips (equivalent to a two-way vehicular trip rate of 3.7 per home). The Framework Travel Plan includes measures to encourage walking, cycling, the use of public transport, bus stop provision on Hanlye Lane with real time passenger information and sustainable travel vouchers

12.43 The nearest bus stops to the site are located on Penland Road, approximately 300m to the south of the site. The frequency of the existing 31A service was summarised as being every two hours in each direction, Monday to Friday. The applicants Transport Assessment advises that service 31/31A operates in a loop in both directions via Hanlye Lane and

Cuckfield. This effectively provides an hourly service to/from Haywards Heath - albeit one way takes slightly longer via Cuckfield.

- 12.44 The LHA is satisfied with the above measures and has advised that the Travel Plan should be secured via the legal agreement. The LHA is also satisfied with the proposed bus stops on Hanlye Lane and the applicant's proposal to improve the bus stop at Penland Road with real time passenger information. Your Planning Officer has no reason to disagree with the views of the LHA on these points.
- 12.45 The applicants have provided a Walking Isochrones Plan that show that the railway station is within 15 to 20 minutes' walk of the site and the nearest bus stops on Penland Road are some 5 to 10 minutes' walk from the site. It is acknowledged that these are estimates and will vary depending on the mobility of the individual and also the starting point within the site. For example, there will be a difference between the time taken to walk to the station from residents living on the site closest to Balcombe Road compared to those living at the far southeastern part of the site. Nonetheless, your Planning Officer considers this Plan to give a reasonable indication of the time it would take to walk towards Haywards Heath.
- 12.46 Concerns have been raised about the walk along Balcombe Road from the site. Firstly, a concern is raised that pedestrians would need to make 3 crossings of Balcombe Road to get from the site into the town centre because there is not a continuous footway on both sides of Balcombe Road. There is one central refuge at the crossing point near to the junction with Old Wickham Lane. Whilst this point is acknowledged, it is your Planning Officers view that given the fact that this is a 30mph single carriageway road within the built up area of Haywards Heath, these crossings do not result in a level of risk or safety concern that would warrant resisting the application. Existing residents at the northern end of Balcombe Road would have to make these crossings now and there is no evidence that this has caused significant safety issues.
- 12.47 Secondly, concerns have been raised about the width of the path alongside Balcombe Road. In places it narrows to some 1m in width. Whilst this is not ideal, such stretches are relatively short. It is your Planning Officers view that the likely increase in pedestrian movements along the footway arising from the development would not result in a level of pedestrian movement that would result in pedestrian safety concerns from the footway being congested, thereby forcing pedestrians into the road to pass one another.
- 12.48 Whilst concerns about the desirability of walking from the site to the town centre are noted, the site is on edge of Haywards Heath, a tier one settlement. Some representations have stated that the applicants underestimate the time that it would take to walk from the site to the town centre. Your Planning Officer accepts that the attractiveness of walking from the site to the town centre will vary between individuals, as will the time taken to undertake the journey. However, it is your Planning Officers view that the site is within a reasonable walking distance of the town centre, such that this is a realistic option for a significant proportion of potential residents. There will be options for public transport in close proximity to the site in the form of buses. It should also be noted that the LHA has not raised any concerns in relation to these matters.
- 12.49 Car and Cycle Parking
- 12.50 As this is an outline application, a future reserved matters application would deal with car and cycle parking. The applicants indicate that this would be provided to conform to WSCC guidance for new developments. They advise that one cycle space will be provided for 1 &

2 bedroom homes and 2 cycle spaces for 3+bedroom homes, 1 & 2 bedroom flats will have 0.5 spaces per home, and 3+ bedroom flats will have 1 space provided in communal storage. They state at least two allocated parking spaces are to be provided per house, and at least one space is provided for each apartment. Visitor parking spaces equivalent to 0.2 spaces per home have been provided across the site. There are no reasons why a satisfactory level of cycle and car parking could not be provided at the reserved matters stage. New houses are required to provide EV charging points under Building Regulations.

12.51 Construction stage

12.52 It is normal practice on major developments such as this, for a Construction Management Plan (CMP) to be submitted to the LPA for its approval, in consultation with the LHA. The purpose of a CMP is to provide some mitigation to the effects, and set out a clear framework, for both the developers and residents, of how the construction process will be managed.

12.53 It needs to be accepted that the construction process will result in disruption and inconvenience for existing residents. This cannot be avoided completely and is not a reason to refuse planning permission. Whilst significant concerns have been raised about the potential for road closures and diversions to allow for works on the roundabout, if such diversions and road closures were required, these would be temporary. With a CMP in place, it is considered that the impact on the highway network and residents that use the network can be satisfactorily managed.

12.54 Transport Conclusions

12.55 The test in the NPPF of only refusing applications on highway 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’ is a high bar. It is considered that the applicants have demonstrated that a satisfactory vehicular access can be formed into the site via the revised roundabout. The level of vehicular movements that would be generated by the proposed development would not result in a severe impact on the highway network, which is the relevant test.

12.56 The LHA have no objection to the proposed development and as the statutory body responsible for the road network within the district, it is considered that the views should be afforded significant weight. With planning conditions to secure the details of the access point and highways works, and a legal agreement to secure the Travel Plan, Vision Monitoring Report and bus stop provision and improvements, it is considered that there are no sustainable reasons to resist the application on highways grounds.

12.57 Landscape Impacts

12.58 Policy DPA7 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 11.17 of this report, refers to the following matters in relation to landscape matters:

‘1. Contain development to central and eastern parts of site to reduce potential impacts on the setting of High Weald AONB (to be informed by an LVIA).’

12.59 Policy DP12 in the MSDP states:

‘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:

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

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded'

- 12.60 The application has been supported by a Landscape and Visual Appraisal (LVIA), which was updated following the submission of amended plan reducing the number of proposed dwellings. The LVIA notes that a Landscape Character Assessment for Mid Sussex was prepared and published in 2005. The Site lies within the landscape character area identified as LCA 10: High Weald Fringes. In 2007 HDA prepared the Mid Sussex Landscape Capacity Study. This defined 75 Landscape Character Areas (LCA) around a number of settlements and villages within the District, and assessed the landscape value, sensitivity and capacity of each. Of the character areas assessed within this study, the site lies within Zone 4 'Haywards Heath, Linfield, Cuckfield and Surrounding Areas' and stated that within Zone 4, the site is situated in "LCA 46 Horsgate High Weald". A substantial landscape value was attached to LCA 46 and as such, a judgement of low capacity was made for development.
- 12.61 In 2014, LUC prepared an updated Capacity Assessment, which covered the remaining areas of the district that were not assessed in the 2007 study only. This led to the definition of five new Landscape Character Areas. Within the 2014 study a judgement of Low/Medium is made for LCA 46. The description of the low/medium landscape capacity rating within the 2014 study *states 'A Low/medium capacity rating indicates that development is likely to have an adverse effect on most of the character area and while smaller development may be possible in a very few locations within the character area, it will not be suitable for strategic scale development.'*
- 12.62 The LVIA contains a table that provides the applicants Landscape Consultants assessment of the landscape impacts of the proposal on different receptors. In relation to the impact on the landscape character area, the LVIA refers to a negligible adverse effect at year 1 and 15 due to the change from agricultural land to new homes, noting that the key landscape assets characteristics will be retained and supplemented. In relation to the setting of the High Weald National Landscape and Border Hill Gardens, the LVIA refers to a negligible adverse impact. This is because intervening woodland and landform prevent intervisibility

between the site and the designated landscapes themselves. The LVIA states that the only visual relationship occurs at the edge of the National Landscape and RPG along Borde Hill Lane, where transient users experience partial views toward the site through gaps in boundary vegetation. In relation to vegetation cover, the LVIA refers to a minor benefit in year 15 from additional planting. In terms of landform the LVIA refers to a minor adverse effect associated with the modification of the landform from earthworks for the creation of residential plots and associated infrastructure. In terms of land use, the LVIA refers to a major adverse effect through the change from agricultural land to a residential development.

- 12.63 For residents around the site, the LVIA refers to a moderate adverse impact in year 15, with maturing landscaping helping to integrate the development into the landscape. For users of Borde Hill Lane, the LVIA refers to a minor adverse impact in year 1, primarily associated with the modification of the existing roundabout and occasional glimpsed views of development set away from the western boundary. By year 15, the LVIA assesses the impact to be negligible as a result of the maturing planting.
- 12.64 The LVIA sets out in detail a professional assessment of the landscape impacts of the proposal. There are no reasons to question the methodology of this assessment. It is however clearly the case that an assessment of the impact of the proposal on the character of the landscape is ultimately a subjective one for the decision maker to make.
- 12.65 The LVIA has been assessed by the Councils Landscape Consultant, whose full comments are on file. The Councils Landscape Consultant states *'Following a meeting with the applicant, the most western land parcel has since been excluded from the developable area, as shown in the Land Use Parameters Plan (Dwg no. 2508/PL.03 Rev.B). We consider that this significantly reduces the landscape and visual impacts on Borde Hill and the National Landscape, providing a much wider landscape buffer which can be utilised for public open space. The revised Parameters are a positive enhancement to the proposed scheme.'* In respect of the impact on Sugworth Farmhouse, they state *'we remain unconvinced that the Sugworth Farmhouse will be wholly visible above the rooflines of proposed dwellings. The upper parts of Sugworth Farmhouse may be visible from the roundabout, however based on available information, we judge that most of the building and its setting will likely be screened from view.'* The Councils Landscape Consultant concludes by advising that if minded for approval, they would recommend further documents (landscape strategy, SuDS strategy, hard and soft landscape plan and landscape management plan) are submitted.
- 12.66 Your Planning Officer does not disagree with the overall conclusion of the LVIA. It is considered that there will be some adverse impact on the character of the countryside as a result of the change from an undeveloped site to a residential development and therefore there is a conflict with policy DP12 of the MSDP. It is accepted that many people would regard this as a significant adverse impact on the landscape. In order to meet the housing needs of the district, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex).
- 12.67 Whilst policy DPA7 in the Submission Draft District Plan has limited weight at present, it is nonetheless a fact that the LPA considers this site to be suitable for development, as reflected in policy DPA7 and in the more recent Topic Paper, MS-TP4: Housing Post Hearings Update. The Topic Paper refers to this current application for up to 117 dwellings and states *'In accordance with the revised Site Selection methodology, the Council is satisfied that this additional yield can be supported and the allocation yield increased by 57*

dwelling.’ The Inspector examining the plan has stated in relation to policy DPA7, ‘*The principle of the allocation is sound and in line with the plan’s spatial strategy. The Council are going to undertake further work to see whether it is appropriate to raise the site capacity from the 60 dwellings shown in the plan. This exercise is being undertaken in view of the need to increase the plan’s housing requirement. However, it is recognised that the site is on the edge of attractive countryside, is close to heritage assets and a registered park and garden, and forms part of the entrance to Haywards Heath. The final capacity for DPA7 will be informed by a site masterplanning approach which fully recognises the qualities of the surrounding landscape and its heritage assets.*’

- 12.68 With regards to the works on the roundabout, it is considered by your Planning Officer that the reduction in the size of the realigned roundabout from the original proposal is an improvement. Nonetheless, it is acknowledged that at the local level, there will be a significant change as a result of the proposed access works. There is a significant difference in levels from the existing highway moving northwards into the site. The applicants have provided a section through the proposed access road which shows the change in levels. This plan shows that beyond section B-B, which is some 23m back from the edge of the roundabout, the road alignment is indicative. The section shows that at its most significant, the difference in levels would be some 4m, with the land level being raised to facilitate the construction of the road. This is because of the significant fall in levels that exists on the western side of the site near the proposed access. Although indicative beyond section B-B, the plans show a total fall of some 6m from the roundabout down into the site.
- 12.69 Whilst the land can be remodelled to smooth out the change in levels either side of the access road, there would be a significant change at the local level. Given the existing topography it is an inevitable consequence of the development of the site that there would need to be such engineering works to create the new access. As the road level would be falling going into the site, this would reduce the prominence of the change to some extent.
- 12.70 For the reasons set out in paragraphs 12.21 of this report, the weight that can be afforded to policy DP12 is moderate. It is your Planning Officer’s view that the details that have been submitted by the applicants have demonstrated that the impact of the proposed development on the character of the countryside has been mitigated to a reasonable extent. Further details of proposed landscaping would come forward at the reserved matters stage, together with the details of the layout and design of the proposed dwellings. It is your Planning Officer’s view that given the reduced weight that can be afforded to policy DP12, it would not be appropriate to seek to resist the application because of the conflict with policy DP12.

12.71 Setting of National Landscape

- 12.72 Policy DP16 in the MSDP relates to the High Weald AONB, now known as the High Weald National Landscape (HWNL) and states:

‘Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*

- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- *the conservation of wildlife and cultural heritage.*

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

12.73 Paragraph 189 of the NPPF states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

- 12.74 The requirements of paragraph 189 of the NPPF are set out in two parts, the first requires great weight to be given to conserving and enhancing scenic beauty in National Landscapes (AONB's) and identifies the conservation and enhancement of wildlife in these areas as important considerations. The second part (and final sentence of paragraph 189 of the NPPF) is expressly concerned with the development in the setting and the test is whether it sensitively located and avoids or minimises adverse impacts.
- 12.75 The High Weald AONB Management Plan is also relevant in relation to the impact of the proposal on the setting of the High Weald National Landscape.
- 12.76 The boundary of the High Weald National Landscape runs along Borde Hill Lane, with the land to the west being within the High Weald National Landscape. Therefore, the closest part of the site to this designated landscape is the parcel of land in between the residential properties of Buntinghill and Hill Cottage and the land to the south of the residential property of Willow Tree Cottage.
- 12.77 It is considered that in terms of the impact of the proposal on the High Weald National Landscape, the applicants have reduced this by reducing the number of proposed dwellings. The original illustrative layout showed infill development between Buntinghill and Hill Cottage and this has been removed on the latest illustrative layout plan. Importantly, the land use parameter plan no longer shows residential development in this area, and this would be carried forward at the reserved matters stage. The parameter plan also shows no residential development to the south of Willow Tree Cottage. It is also considered that the proposal can be regarded as being sensitively located in relation to paragraph 189 of the NPPF due to the changes that have been made to the scheme and also by the fact that the development is at a site that the District Council now considers as part of the examination of the Submission draft District Plan, to be capable of accommodating this number of dwellings.

- 12.78 The High Weald AONB Management Plan recommends that new development should be landscape led and consistent with the objectives of the High Weald Housing Design Guide. The applicants Design and Access Statement (DAS) refers to the appearance of the proposed development being anticipated to be traditional with the materials palette to be in keeping with the local area.
- 12.79 Your Officers are satisfied that the development complies with the final part of the paragraph 189 of the NPPF and in light of this it would not provide a strong reason for refusal. Given this and having consideration of the assessment of the impact the proposed development would have on the setting of the High Weald National Landscape, it is not considered that there is a strong reason for refusal. As such it is not considered paragraph 11(d)(i) is engaged. Therefore paragraph 11(d)(ii) of the NPPF is considered relevant in the determination of this application.
- 12.80 There is a difference in approach between the wording of policy DP16 and that of the NPPF in respect of development within the setting of the High Weald National Landscape, formally known as the AONB. Policy DP16 refers to development on land that contributes to the setting of the AONB only being allowed if it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design, whereas paragraph 189 of the NPPF refers to development within the setting of National Landscapes should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. As the NPPF is more recent than the MSDP, it is considered that more weight should be afforded to the guidance in the NPPF in relation to this matter.
- 12.81 Overall, it is considered that the proposed development will result in some harm to the adjacent protected landscape and as such there would be conflict with Policy DP16 of the MSDP. However, steps have been taken to minimise the impact on the setting of the High Weald National Landscape, through the reduction in the number of units and the revised parameter plans showing that there would not be residential development adjacent to Borde Hill Lane. Further details regarding landscaping and planting would come forward at the reserved matters stage. In the circumstances, your Planning Officer considers that the identified harm to be moderate and that there is no conflict with paragraph 189 of the NPPF.

12.82 Agricultural land

- 12.83 As set out above, part of policy DP12 relates to the protection of grade 3a and above agricultural land from non-agricultural development. The best and most versatile (BMV) agricultural land is defined in Annex 2 of the NPPF as land, which is of Grade 1, 2 and Subgrade 3a of the Agricultural Land Classification. Paragraph 187b of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'
- 12.84 An Agricultural Land Classification report has been undertaken of the site. The Site has been classified as 3.4 ha (37%) Subgrade 3a, 4 ha (43%) Subgrade 3b and 1.8 ha (20%) non-agricultural land.
- 12.85 The NPPF does not prevent development of BMV land. It requires only that the economic and other benefits of BMV land be recognised. The applicants report notes that the

economic benefits of BMV within this site are very limited at around £750 per annum over the BMV land, with food production benefits of the BMV quality limited to about 4.1 tonnes per annum of wheat. The applicants report concludes that in terms of the NPPF, this is not considered significant development of agricultural land.

- 12.86 Your Planning Officer has no reason to disagree with this assessment. There is some conflict with this part of policy DP12. However, it is noted that only moderate weight can be afforded to policy DP12 at present. The proposal would be required to provide a 10% gain in biodiversity, and this would accord with the aim of para 187b of the NPPF in respect of recognising the benefits from natural capital and ecosystem.
- 12.87 Given the tilted balance that must be applied because of the inability to demonstrate a five year housing land supply and the significant weight that should be applied to the goal of boosting housing delivery, it is not considered that the loss of best and most versatile agricultural land is so significant in this instance that it would justify resisting this planning application.

12.88 Mineral Extraction

- 12.89 The applicant has provided a Mineral Resource Statement (MRS) with the application. the respective amount of anticipated 'extractable' resource is calculated at 385m³ for Building Stone and 114,000m³ for Wadhurst Clay. The MRS concludes that the low volume of these potential resources, proximity to the AONB (High Weald National Landscape) and nearby residential land uses, as well as the historic extractions at the site, would act as significant constraints to any economically viable levels of extraction. In addition, the conclusion references the lack of housing supply within the district.
- 12.90 West Sussex County Council, in their role as the mineral and waste planning authority (MWPA), have considered the MRS and have raised no objection to the application. Your Planning Officer has no reason to disagree with the views of the MWPA on this matter.

12.91 Heritage Assets

- 12.92 The Local Planning Authority (LPA) is under a duty by virtue of S.66 of the Listed Building and Conservation Area (LBCA) Act 1990 (General duty as respects listed buildings in exercise of planning functions): *'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.

12.93 Policy DP34 of the District Plan states:

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

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*

- *Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- *Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- *Special regard is given to protecting the setting of a listed building;*
- *Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.*

Other Heritage Assets

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

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

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

12.94 Policy DP36 in the MSDP states:

'The character, appearance and setting of a registered park, or park or garden of special local historic interest will be protected. This will be achieved by ensuring that any development within or adjacent to a registered park, or park or garden of local historic interest will only be permitted where it protects and enhances its special features, setting and views into and out of the park or garden.'

12.96 Policy DPA7 in the Submission Draft District Plan, which has minimal weight for the reasons set out in para 11.17 of this report, refers to the following matters in relation to heritage matters:

'5. Informed by a Heritage Statement, provide appropriate layout and design which preserves the setting of nearby Grade II listed building 'South Lodge'.

6. Submit a Statement of Significance on Borde Hill Gardens together with an assessment of the impact of the proposal on that significance.'

12.97 Paragraphs 207, 208, 210, 212, 213, 214 and 215 of the NPPF are also relevant and state:

'207. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

210. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development making a positive contribution to local character and distinctiveness.*

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

213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional (Footnote 75)*

Footnote 75 Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

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

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

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

12.98 Designated Heritage Assets (DHA)

- 12.99 Sugworth Farmhouse is a Grade II listed 17th century or earlier timber framed building located to the east of Borde Hill Lane, to the northeast of the site. The associated farmstead includes a double courtyard of former farm buildings dating partly from the late 19th century or earlier, and partly from the early 20th century, which would be regarded as curtilage listed. The assemblage of buildings is recorded in the West Sussex Historic Farmstead and Landscape Character assessment as a historic farmstead of the post medieval period. Sugworth Farmhouse is considered to possess architectural value based on its construction and craftsmanship, historical illustrative value as a good example of a rural Sussex farmhouse of its period, and aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. It also possesses group value with the former farm buildings within the historic farmstead.
- 12.100 In relation to Sugworth Farmhouse, the Councils Conservation Officer states *'As such, the surviving rural setting of the farmstead will be considered to make a strong positive contribution to the special interests of the farmhouse and farm buildings, and manner in which these are appreciated, in particular those parts of those interests which are drawn from historical illustrative and aesthetic values. The application site forms a significant part of that setting, and will be prominent in views from the house and its immediate context, as well as from the approach to the farmstead along the farm track from Borde Hill Lane. It is also forms a significant part of the currently largely rural vistas from around the junction of Borde Hill Lane and Balcombe Road in which the farm appears towards the crest of the hill slope to the northeast, and the appeal site is open to view to the east and northeast. In addition, the open fields of the site which in part abut Borde Hill Lane currently provide a buffer between the urban spread of Haywards Heath and the farmstead and its immediate context, including the approach to it along Borde Hill Lane.*
- The contribution made by the application site to the setting and special interests of the buildings within Sugworth Farm is enhanced by historical relationship of function between the site and the farmstead; the fields within the site were once part of the farmlands of Sugworth Farm, managed from and supporting the development of the farm buildings. Their surviving agricultural character contributes positively to our understanding of the narrative of the farmstead, including the historical role of the listed and curtilage listed buildings within the landscape.'*
- 12.101 South Lodge is a Grade II listed lodge house located at the junction of Borde Hill Lane, Hanlye Lane and Balcombe Road, to the south west of the site. The Lodge dates from c.1890, and sits next to the southern entrance into Borde Hill Park. The listing includes the attached walls and gate piers. The Lodge possesses architectural value based on its design, construction and craftsmanship, historical illustrative value as a good example of a late 19th century lodge house forming part of an extensive country estate, and aesthetic value based in part on the use of vernacular materials viewed within the landscape from which they were drawn. It also has group value with Borde Hill House and the other buildings within the park, albeit that these are located some distance to the north.
- 12.102 In relation to South Lodge, the Councils Conservation Officer states *'The parkland setting to the northwest of South Lodge, including the adjacent entrance driveway, are likely to be*

considered the most important elements of its setting contributing to its special interest. However, the surviving rural setting to the east and northeast of the Lodge, on the opposite side of Borde Hill Lane, also makes a strong positive contribution to the manner in which its significance as part of a country estate is appreciated. This contribution is enhanced by the recent loss of the originally rural setting to the south to a housing development. The proposed development site forms the rural setting to the east of the Lodge, and is a large part of the rural vista within which the building is appreciated in views looking broadly north from the adjacent road junction.'

- 12.103 Borde Hill Gardens is a grade II* listed garden and park located to the western side of Borde Hill Lane. The gardens, which are centred on Borde Hill House (Grade II listed), consist of a late 19th to mid 20th century plantsman's and collector's garden, laid out originally by Colonel Stephenson Clarke, set within an early 20th century park with mid 19th century origins.
- 12.104 The Conservation Officers states *'The principal interest of this asset is likely to lie in the design, layout and planting of the gardens and surrounding parkland, including the collections of rare plants within them. However, the parkland setting of the house and formal gardens borrows from the surrounding landscape, and as the list description notes, 'to the north and east, the site's parkland and woodland merge into the adjacent undulating, wooded farmland.'* Furthermore, the house, gardens and parkland sit at the centre of a much more extensive country estate, which historically supported their maintenance and development. In this manner the surviving rural setting of the park and garden contributes positively to its significance and the manner in which this is appreciated, including both the aesthetic value of the asset, and its historical illustrative value, as part of the narrative of the development of the estate, including the house and gardens at its heart.

The proposed development site constitutes a large part of the rural vista within which the southern end of the park is appreciated in views from the junction of Borde Hill Lane and Balcombe Road. However, in my opinion it is likely to also be visible in other glimpsed views from within the western edge of the registered park, and in vistas from Borde Hill Lane which will include the parkland and/or the main visitor entrance.'

- 12.105 In relation to the impacts on these heritage assets, the Conservation Officer states:

'Sugworth Farmhouse and historic farmstead

There will be a significant adverse impact on the currently largely rural character of views looking southwards from the buildings and from the approach to them along the farm track from Borde Hill Lane. In addition, the development will be prominent in views towards the farm looking across the valley from the junction of Borde Hill Lane and Balcombe Road- the existing rural context within which the historic farmstead is appreciated in these public views will be largely lost. Furthermore, the adverse impact on the rural character of Borde Hill Lane will detract from the wider approach to the farmstead, and reduce the sense of separation between the farm and the suburban spread of Haywards Heath.

This will be contrary to the requirements of District Plan Policy DP34 which requires development to protect listed buildings and their settings. In terms of the NPPF without a fully developed scheme it is difficult to assess the level of harm arising, however I would place consider this likely to fall within the less than substantial spectrum, at around the mid-level of that range.

South Lodge

The development, in particular the enlarged roundabout to the southeast of the listed building, will adversely affect the surviving rural character of views looking broadly east from the listed building and its immediate setting. The proposal also detracts from the context within which the Lodge is appreciated in views and vistas looking broadly northwards from Balcombe Road and the road junction- this impact is cumulative with the existing recent housing development to the south. This will detract from the special interest of the listed building and the manner in which this is appreciated, contrary to DP34.

In terms of the NPPF the proposal will result in less than substantial harm to the listed building which I would consider likely to fall around the mid-range of that scale.

Borde Hill Gardens

The proposal will have a significant adverse impact on the rural character of the wider setting of the RPG, including vistas including the southern parkland from around the junction of Borde Hill and Balcombe Road (including the enlargement of this junction) and the approach to it along Borde Hill Lane from the south. The sense of separation of the parkland from Haywards Heath will also be reduced, and there may also be some limited impact on glimpsed views looking eastward from within the RPG. Again the adverse impact will be cumulative with the existing housing development to the south of Hanlye Lane.

This will be contrary to the requirements of District Plan Policy DP36 (Historic Parks and Gardens). In terms of the NPPF, I would place the harm as around the low-mid level of less than substantial.

In carrying out the balancing exercise set out in paragraph 215 of the NPPF, the Council should be mindful of the requirement of paragraph 212 of the Framework to give great weight to the conservation of all designated heritage assets (and the even greater weight which must be attached to the conservation of II listed Borde Hill Gardens), and that under paragraph 213 any harm to the significance of an asset should require clear and convincing justification.'*

- 12.106 In respect of Sugworth Farmhouse, the applicants Heritage Impact Assessment and subsequent Technical Note, describe the significance of this heritage asset and acknowledge that there will be an adverse impact due to the prominence of new development within the view from the farm and its approaches. The applicants do assert that some loss of rural character has already taken place through the former industrial exploitation of parts of the site, with a brick works in the northwest corner represented by a wooded pit and a smaller clay extraction pit adjacent to the roundabout. The applicants assert that the revised masterplan retains the open space along the eastern side of the lane and with the wooded extraction pit, preserves the open nature of the northwestern part of the site and retains views of the farm while travelling along Borde Hill Lane, thereby preserving more of the rural character.
- 12.107 In respect of South Lodge, the applicants agree that the significance of the lodge relates predominantly to its relationship with the parkland at Borde Hill, with the wider rural landscape making a lesser contribution. They state that while the development will be visible from the lodge, the retention of the open space along Border Hill Lane will preserve the existing buffer between the lodge and its immediate environs and the development.

- 12.108 In respect of Borde Hill Gardens, the applicants state that the significance of the park is predominantly related to the relationship between the house, gardens and parkland with the site lying outside the park perimeter. The applicants assert that the dense perimeter belt of planting on the southern half of the east boundary of Borde Hill, which includes evergreens, precludes significant intervisibility. They state that while the permeable boundary between park and wider countryside is readily evident on the northern and northeastern side of the park, the southeast has a hard boundary which reduces any contribution made by the site.
- 12.109 Assessment of Heritage Impacts
- 12.110 Your Planning Officer has no reason to dispute the conclusions of the Conservation Officer with regards to the impacts on these heritage assets, including the point regarding the weight to be attached to the impact on the setting of the Grade II* listed Gardens. Where a finding of less than substantial harm is found, paragraph 215 of the NPPF requires that this harm should be weighed against the public benefits of the proposal. The public benefits of the proposal are as follows:
- provision of new housing (including a policy compliant level of affordable housing) at a time when the LPA cannot demonstrate a five year housing land supply, as required by the NPPF
 - economic benefits arising from both the construction period (construction jobs) and additional spending in the locality post construction from new residents.
- 12.111 It is your Planning Officers view that these are important benefits and should attract significant weight in the planning balance. Taken together, your Planning Officer considers the public benefits outlined above do outweigh the less than substantial harm to the setting of the heritage assets outlined above, notwithstanding the fact that this harm should be given considerable importance and weight in accordance with the relevant provisions of the 1990 Act. Therefore, whilst there is a conflict with policies DP34 and DP36 of the MSDP because there will be harm (classified as 'less than substantial' under the NPPF) and this weighs against the scheme, the NPPF is an important material planning consideration and in the balance between the less than substantial harm and the public benefits of the proposal, it is considered the public benefits do outweigh this harm.
- 12.112 Design/layout/housing mix, sustainability
- 12.113 Design/layout
- 12.114 Policy DP26 of MSDP deals with 'Character and Design' and states:
- 'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:*
- *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;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
 - *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
 - *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
 - *Incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
 - *positively addresses sustainability considerations in the layout and the building design;*
 - *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

12.115 Paragraph 131 of the NPPF states in part that *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

12.116 In this case, it is only the principle of the development and the means of access that are to be determined at the outline stage. The plans that have been submitted are illustrative to seek to demonstrate that this quantum of development could be accommodated on the site. If this outline application is approved, a subsequent reserved matters application will need to be submitted to determine the remaining details of the appearance, landscaping, layout and scale of the dwellings and care home. It is at this point that the merits of the layout that will be in the reserved matters application will be determined. It should be noted that as the means of access is to be determined at this stage, the proposed enlargement of the roundabout is to be considered at the outline stage. The first 23m of the access road into the site is also to be determined at the outline stage. This is because of the fall in levels from the roundabout into the site, which means that it is inevitable that there would need to be substantial earth works to provide the access road.

12.117 The application is accompanied by an illustrative layout plan, land use parameter plan, building heights parameter plan, a green infrastructure parameter plan and cross sections through the access road.

12.118 In relation to the illustrative layout, when the scheme proposed up to 125 dwellings, the Council's Urban Designer states *'This is a well-thought-through scheme that had addressed most of the concerns raised at the previous consultation. As submitted, the overall perimeter block typology, with dwellings overlooking key landscape features, has the potential to create a well-connected development with a strong sense of place.'*

However, insufficient information has been provided regarding the site's complex topography and the relationship between the proposed scheme and the Sugworth Farm. To properly assess and support the parameter block plan, the visual impact—particularly views from the Sugworth Farm towards the proposed development—should be clearly demonstrated and explained.

Furthermore, to ensure the layout integrates successfully with the surrounding context, I would encourage the applicant to review the significant level differences between the proposed plots (marked below) and the rear garden of No. 7 Orchard Way. Consideration should be given to preventing overlooking of this lower-positioned existing garden. Cross-sections through this part of the site should be helpful to demonstrate the relationship and potential impacts on neighbouring amenity. Removal or repositioning of the proposed units may need to be necessary.'

- 12.119 Following on from the scheme being reduced to provide up to 117 dwellings, the Councils Urban Designer stated *'I have reviewed the additional information submitted and support the proposed reduction and redesign of the roundabout.*

However, the amended plans have not addressed my other comments, and these will need to be addressed at the Reserved Matters stage.

I have no further comments.'

- 12.120 It is considered by your Planning Officer that the overall principles that are shown in the submitted plans are sound. Perimeter block layouts are a well-established way of organising residential development that allows dwellings to face onto the streets and provide traditional back-to-back gardens. This way of organising the layout also allows dwellings to face outwards towards the attractive boundary planting around the site.
- 12.121 Whilst the concerns of the Urban Designer are noted in respect of the potential impact on Sugworth Farm, it is your Planning Officers view that there is sufficient detail at the outline stage to come to a view on the acceptability of this amount of development on the site. It would be at the reserved matters stage that more detail would be required to support whatever layout was proposed. The applicants LVIA states that *'...the Landscape Design Statement submitted with the application includes a cross section from the roundabout to Sugworth Farmhouse, illustrating the Site's landform and proposed building height parameters. This section demonstrates that the Site occupies the lower slopes of the valley, while Sugworth Farmhouse is located on higher ground on the opposing valley side, indicating that the building is expected to remain visible above the rooflines of the proposed development.'*
- 12.122 In your Planning Officers view, the information provided at this stage is sufficient to come to a view about the principle of the development taking place within the submitted parameter plans. As has been set out in the heritage section of this report, it is accepted that the proposed development of this site would result in an adverse impact on the setting of Sugworth Farmhouse due to a currently undeveloped landscape being changed to a housing scheme. The contribution that the site makes to the significance of the heritage asset would change, and would result in some level of harm, whether the scheme was proposing the level of development suggested in draft policy DPA7 or the level of development the subject of this application.
- 12.123 With regards to the comments of the Urban Designer on the impact on 7 Orchard Way, your Planning Officer agrees that because of the significant level differences, it will be

necessary for the reserved matters to be carefully designed so that the proposed dwellings on this site of the site do not cause significant harm to the amenities of those properties that adjoin the site. This is an assessment that would need to be carried out at the reserved matters stage. Your Planning Officer does agree though that unit that is shown on plot 110 on the illustrative layout plan is likely to require alteration or removal to make sure that the amenities of the neighbouring properties are not significantly harmed.

12.124 With regards to the reduction in the size of the realigned roundabout, the Urban Designer supports this. Your Planning Officer agrees that the reduction in the size of the proposed roundabout is an improvement on the original proposal.

12.125 Quantum of Development

12.126 In assessing this issue, the following points need to be recognised, Firstly, policy DPA7 in the Submission Draft District Plan has limited weight. Secondly, policy DP26 in the MSDP has a criteria that applicants are required to demonstrate that development '*optimises the potential of the site to accommodate development*'. This reflects the advice in paragraph 129 of the NPPF that '*Planning policies and decisions should support development that makes efficient use of land*'.

12.127 It is your Planning Officers view that the applicants have demonstrated that the quantum of development that they are proposing can be satisfactorily accommodated on the site. Whilst the number of units would increase from that referred to in policy DPA7, as this policy can be afforded little weight at present, this would not be a reason to resist the application.

12.128 It is also relevant to note that in terms of the emerging planning policy position, circumstances have moved on with the publication of the MS-TP4: Housing Post Hearing Update topic paper, which refers to the Council being satisfied that the site could accommodate the additional yield of 57 dwellings from the 60 dwellings that are referred to in policy DPA7. Again, whilst the topic paper can be afforded little weight, it does indicate the direction of travel in respect of the proposed allocation of this site.

12.129 It is your Planning Officers view that it is a positive in the planning balance that more development is proposed to be accommodated on a site that is proposed to be allocated for development.

12.130 Standard of Accommodation

12.131 Policy DP27 of the MSDP deals with dwelling spaces standards, and states;

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- Open market dwellings and affordable housing;*
- The full range of dwelling types; and*
- Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

12.132 This is an outline application with only the principle of the development and the means of access to be determined at this stage. It will be at the subsequent reserved matters stage that the applicants would need to demonstrate compliance with the dwelling space standards. There are no reasons to think that this could not be done.

12.133 Policy DP28 of the MSDP states:

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:

- 1) Where new dwellings are created by a change of use;*
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair use dwellings

Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

12.134 As this is an outline application, the internal layout of the scheme and the design of the buildings within it are not being determined at this stage. It will be at the subsequent reserved matters stage that the applicants will need to demonstrate compliance with this policy. There are no reasons why this policy could not be met at the reserved matters stage, and a planning condition is proposed to require this to come forward in the reserved matters application.

12.125 Sustainable Design

12.136 Policy DP39 of the MSDP is titled 'Sustainable Design and Construction, and 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.'*

12.137 Paragraph 164 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* Paragraphs 166 expects new development to *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

12.138 It is important to recognise that in respect of policy DP39, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

12.139 The applicant's supporting information states that the development:

- will be designed to best practice thermal insulation levels
- will use low energy lighting and white goods
- air source heat pumps are proposed to be used
- the use of photovoltaics (PV) will be considered at the reserved matters stage
- the development will source all materials from supplier that can demonstrate that materials are sourced responsibly in line with recognised Environmental Management Systems
- the overall target will be to limit internal water use to 110litres/person in line with best practice under the Building Regulations Part G.

12.140 It is considered that the applicants have had regard to policy DP39 and therefore the application is acceptable in relation to this matter.

12.141 Affordable housing and housing mix

12.142 Housing Mix

12.143 Policy DP30 of the MSDP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs.

12.144 Policy AS4 in the ASNP states:

'Residential developments must provide a mix of dwelling sizes (market and affordable) that reflect the best available housing evidence.

In the early part of the plan period, the housing evidence indicates a particular emphasis on the provision of 1- and 2-bed dwellings. It is therefore expected that in the early part of the plan period developments will provide a mix of dwellings include the provision of 1 and 2 bedroom dwellings to reflect the local housing need.'

12.145 Policy DPH7 in the Submission Draft District Plan indicates the direction of travel for the District Council in respect of housing mix, but at the present time, the policy itself can be afforded very little weight because of the stage at the Submission Draft District Plan has reached in its examination. Nonetheless, the evidence base that sits behind the Submission Draft District Plan can be afforded weight. Policy DP30 in the MSDP requires developments to provide a mix of dwelling types and sizes that reflect current and future housing needs.

12.146 The applicants have not specified a draft mix at this stage. The mix and both market and affordable houses would be determined at the reserved matters stage. In respect of the affordable housing mix, the legal agreement would secure the range of affordable houses which would need to be assessed and delivered in the reserved matters application.

12.147 There is no reason why a satisfactory mix of dwellings could not be brought forward at the reserved matters stage, to comply with policy DP30 of the MSDP and policy AS4 of the ASNP.

12.148 Affordable Housing

12.149 Policy DP31 in the District Plan seeks to secure 30% affordable housing on sites such as this. The applicants have stated that they will provide a policy compliant level of affordable housing on site. This should be tenure blind and suitably distributed (pepper potted) through the site with no more than 10 affordable housing units are in one cluster with open market units in between each cluster. This would need to be assessed at the reserved matters stage, but there is no reason why this could not be achieved.

12.150 The Councils Housing Officer has advised that the scheme would need to provide 36 affordable housing units, with this being split between 25% Low-Cost Home Ownership (9 units) and 75% Social Rented or Affordable Rented housing (27 units.) The Housing Officer has also provided details of the approximate mix that the affordable housing would need to provide.

12.151 The detail of the affordable housing (location, mix and design) would come through and be determined at the reserved matters stage. The section 106 legal agreement would secure this. There is no reason why a satisfactory layout and design for the affordable housing should not come through at the reserved matters stage. With the commitment of the applicant to provide the required 30% affordable housing, which will be secured in the legal agreement, this outline application would comply with policy DP31 in the MSDP.

12.152 Residential amenity

12.153 Policy DP26 seeks to ensure that new 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

- 12.154 If this outline application is approved, it would be at the subsequent reserved matters application that the detail of the layout of the site and the design of the proposed buildings would be submitted and assessed. It is therefore at the reserved matters stage that a detailed assessment about the impact of the proposed development on the amenities of existing occupiers surrounding the site would need to be made because it is at this stage that the detail of these relationships would be known.
- 12.155 Nonetheless it is relevant to assess the outline application in relation to its impact on the amenities of existing residential occupiers based on the illustrative information that has been submitted.
- 12.156 The applicants have provided a plan showing the depth of the rear gardens of the properties on Orchard Way to the east of the site. At the closest point, the rear elevations of numbers 8 and 9 Orchard Way are some 15m and 17.5m from the boundary of the application site. The illustrative layout plan shows the houses on plots 111 to 117 being some 21 to 22m off the eastern boundary of the site. The illustrative plans show the back-to-back distance between plot 114 and 9 Orchard Way as being some 32m.
- 12.157 Whilst there would be a significant change to the view from the properties on Orchard Close, as Members will know, there is no right to a view under planning law. It is considered that these separation distances would be sufficient for the proposed development to not be so dominant or overbearing that it would result in significant harm. Simply being able to see a development does not equate to planning harm.
- 12.158 The illustrative plan shows plot 110 being located some 5m from the mutual boundary and some 38m from the rear elevation of 7 Orchard Way. It may be the case the proximity of this plot to the mutual boundary would result in an overly dominant dwelling when viewed from the garden of 7 Orchard Way. However, this would need to be assessed at the reserved matters stage as the layout that is before Members is illustrative. Plot 117 is shown as being some 8m off the southern boundary of the site, and some 65m from 36 Balcombe Road. Again, the assessment of the impact of the development on the amenities of the properties on Balcombe Road would need to be carried out at the reserved matters stage.
- 12.159 The illustrative plans show the plot 1 being set some 6m from the western boundary of the site, and some 67m from the rear elevation of Buntinghill. Plots 5 to 8 would be some 21m from the western boundary of the site, with the rear elevations of Saxonmead, Crow Link and Willow Tree Cottage being some 40m from the site boundary. Again, whilst there would be a significant change to the view from these properties, at the distances shown on the illustrative plans, it is not considered that the proposed development would be so dominant or overbearing that it would result in significant harm, as specified in policy DP26. Again, a further assessment of this issue would need to be made at the reserved matters stage when the final layout and design of the proposed houses was submitted for determination.
- 12.160 Conclusion on housing matters
- 12.161 To summarise, the submitted layout plan is illustrative to demonstrate that this quantum of development can be provided on site. It is considered that the application has

demonstrated that this level of development can be provided and that it would be possible to deliver a high-quality development at the reserved matters stage.

- 12.162 The proposal would provide up to 117 dwellings, 30% of which would be affordable. The proposal complies with policies DP26, DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.

12.163 Noise

- 12.164 Policy DP29 in the MSDP states in part:

‘The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people’s life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

- *It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;*
- *If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;*

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

- *an assessment of the impact of noise generated by a proposed development; or*
- *an assessment of the effect of noise by an existing noise source upon a proposed development;’*

- 12.165 The application is accompanied by a Noise Impact Assessment. The report notes that the main sources of noise affecting the proposal are road traffic from Borde Hill Lane and Balcombe Road and from the railway line, which is some 150m east of the site. It should be noted that the properties that were shown to be at most risk of exceeding target internal noise levels during the day and night (thereby meaning that open windows could not be relied upon to provide ventilation and control of overheating at every single property at all times without a potential noise impact) were in what the applicants report refers to as section 1, which were the houses in between Buntinghill and Hill Cottage, which have been removed from the application.
- 12.166 The Councils EHO has considered the applicants Noise Impact Assessment and states ‘*I would therefore recommend that the outline application only be approved subject to a condition requiring submission of a full Acoustic Design Statement at Reserved Matters. This must demonstrate how the scheme has incorporated the principles of good acoustic design in accordance with ProPG, including consideration of layout, orientation, room placement and all feasible passive measures, before any reliance on closed windows or alternative mechanical ventilation strategies is proposed.*

The submitted Noise Impact Assessment also considers future plant noise and provides representative background sound levels from which suitable plant noise emission limits can be derived. A condition should therefore be applied requiring that any external plant associated with the dwellings (such as air source heat pumps) is designed and installed so that its rating level does not exceed the background sound levels identified in the report at the nearest noise sensitive receptor.'

- 12.167 Your Planning Officer agrees with these conclusions and with such a condition in place the application complies with policy DP29 in respect of noise.

12.168 Air quality

- 12.169 Policy SA38 in the Site Allocations DPD states:

'The Council will require applicants to demonstrate that there is not unacceptable impact on air quality. The development should minimise any air quality impacts, including cumulative impacts from committed developments, both during the construction process and lifetime of the completed development, either through a redesign of the development proposal or, where this is not possible or sufficient, through appropriate mitigation.

Where sensitive development is proposed in areas of existing poor air quality and/ or where major development is proposed, including the development types set out in the Council's current guidance (Air Quality and Emissions Mitigation Guidance for Sussex (2019 or as updated)) an air quality assessment will be required.

Development proposals that are likely to have an impact on local air quality, including those in or within relevant proximity to existing or potential Air Quality Management Areas (AQMAs), will need to demonstrate measures/ mitigation that are incorporated into the design to minimise any impacts associated with air quality.

Mitigation measures will need to demonstrate how the proposal would make a positive contribution towards the aims of the Council's Air Quality Action Plan and be consistent with the Council's current guidance as stated above.

Mitigation measures will be secured either through a negotiation on a scheme, or via the use of planning condition and/ or planning obligation depending on the scale and nature of the development and its associated impacts on air quality.

In order to prevent adverse effects on the Ashdown Forest SPA and SAC, new development likely to result in increased traffic may be expected to demonstrate how any air quality impacts, including in combination impacts, have been considered in relation to the Ashdown Forest SAC. Any development likely to have a significant effect, either alone or in combination with other development, will be required to demonstrate that adequate measures are put in place to avoid or mitigate for any potential adverse effects.'

- 12.170 The application is supported by an Air Quality Assessment. This considers the air quality impacts from the construction phase and once the proposed development is fully operational. In respect of construction impacts, the report concludes that the site is at medium risk during all phases of construction for dust soiling effects and a low risk during all phases for human health effects. The report refers to the mitigation measures that would be used during construction to mitigate the impacts from dust on neighbouring properties.

- 12.171 Once occupied the applicants advise that the heating and hot water demand for the scheme is anticipated to be met ultra-low NOx boilers or a non-combustion system (e.g. air source heat pumps). As such the main impact on air quality would be from vehicular movements to and from the site.
- 12.172 Sussex-Air require all 'Major' developments to minimise their operational phase emissions through mitigation measures commensurate to the cost of the Proposed Development's air quality related 'damages'. In accordance with the Defra Air Quality Damage Cost Guidance (December 2025), a damage cost calculation has been undertaken using the 'air quality damage cost appraisal toolkit'.
- 12.173 The application has been reviewed by the Council's Environmental Health Officer (EHO) who states, *'The report notes that an Emissions Mitigation Statement will be provided at a later stage, but it does not set out how the required mitigation cost will actually be met within the design of the development. At this outline stage this is acceptable, but it must be addressed during the detailed design phase.'*

I recommend that a condition therefore be required ensuring that, prior to commencement or at Reserved Matters stage, the applicant submits a full Emissions Mitigation Statement demonstrating how the development will deliver mitigation measures equivalent to, or exceeding, the calculated damage cost. This should include confirmation of the measures to be incorporated into the scheme and how compliance with the Sussex Guidance will be achieved.'

- 12.174 Your Planning Officer agrees with the comments of the EHO and is content that the proposed development will not have an unacceptable impact on air quality, and with appropriate conditions, the application complies with policy SA38 of the SADPD.

12.175 Contaminated Land

- 12.176 Paragraph 196 of the NPPF states 'Planning policies and decisions should ensure that:
- a) *a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);*
 - b) *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
 - c) *adequate site investigation information, prepared by a competent person, is available to inform these assessments.'*
- 12.177 The application is supported by a Geophysical Survey Report, which has been reviewed by the Council's Contaminated Land Officer. The Contaminated Land Officer states that *'Our records indicate that the site has been in agricultural use, which is generally considered low risk. However, historic mapping identifies two former brick fields on the land, one in the south east portion of the site and one in the north east. There is also a historic brick works in the north east, and an infilled hole is shown in the south east section'* and recommends a phased contaminated land condition should be attached to the application. With such a condition in place it is considered that the application would comply with the guidance in paragraph 196 of the NPPF.

12.178 Trees and Ecology

12.179 Trees

12.180 Policy DP37 in the District Plan states:

'Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

- incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*
- prevents damage to root systems and takes account of expected future growth; and*
- where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- has appropriate protection measures throughout the development process; and*
- takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- does not sever ecological corridors created by these assets.*

Proposals for works to trees will be considered taking into account:

- the condition and health of the trees; and*
- the contribution of the trees to the character and visual amenity of the local area; and*
- the amenity and nature conservation value of the trees; and*
- the extent and impact of the works; and*
- any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

12.181 Paragraph 136 of the NPPF states:

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined (52), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'

Footnote 52: Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.

- 12.182 The application is supported by an Arboricultural Impact Assessment & Method Statement. Some 110 individual trees, 14 groups and one hedge are referred to in the applicants AIA report. The application states that at the edge of Borde Hill Lane, two category B Oak trees (50 & 51) would be removed. Within the site trees 44, 45, 46, 47, 48 and 49 (Scots Pines, Ash and Hazel) would be removed. The Scots Pines (45 to 47) are category B trees, and the Ash (48) and Hazel (49) are category C trees. In respect of the two Oaks (50 & 51), the applicants make the point in their AIA that these trees were shown to be removed on the Penland Farm scheme (13/03472/OUT), and no objection was raised by the Tree Officer who was in post at that time.
- 12.183 The Council's Tree Officer has not objected to the application, stating *'The proposed access will remove five Cat B Scots pines and two, Cat B oaks. This is a constraint to development; however, it will be possible to provide mitigation with an appropriate landscaping scheme. Within the Landscape Design document, tulip trees are mentioned as well as Norway maples. Whilst I am happy to accept some non natives, I do consider it appropriate to replace these significant trees with native oaks/pines, capable of providing presence in the future and some longevity. Norway maples are a very urban tree, in this setting. I note that central trees are to be retained, as well as hedgerows, where possible, and there are a number of recreation areas throughout the site. Detailed landscaping plans are required with any reserved matters application.'*
- 12.184 Whilst the loss of any trees is regrettable, policy DP37 in the MSDP does not include an absolute bar to tree removal. Given the fact that the majority of the trees in and around the site would be retained, the characteristics of the site in respect of being enclosed field parcels would remain, although the character within the site would clearly change from being an undeveloped field to a major housing development. There would also be a significant change at the local level from the removal of the Oak trees on the site frontage to facilitate the expanded roundabout.
- 12.185 Biodiversity
- 12.186 Policy DP38 in the 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.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

12.187 Paragraph 187 of the NPPF sets out the ways planning policies and decisions should contribute to and enhance the natural and local environment. 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 (footnote 70), 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.'

Footnote 70: For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

12.188 The Environmental Act 2021 has amended section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and places a general duty on a public authority to conserve and enhance biodiversity. A public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.

12.189 The application is supported by an Ecological Appraisal and a Statutory Biodiversity Metric.

12.190 Site baseline

12.191 To assess the impact of the proposed development on the ecology/biodiversity value of the site, it is first important to understand the baseline value. The following section sets out a summary of this in terms of habitats and species, respectively.

12.192 Habitats

12.193 The applicants supporting ecology impact assessment notes that the site contains the following: other neutral grassland, lowland mixed deciduous woodland, other broadleaved woodland, pond, native hedgerow, species rich native hedgerow, line of trees, stream and a small section of road.

12.194 Species

Bats

12.195 There are no built structures within the site that could support bats. A ground level tree assessment provided more detailed assessments of two trees (T44 Scots Pine and T50 mature Oak). The Scots Pine is dead and presents a fall risk. The Oak has been downgraded to negligible in respect of potential bat roosts.

12.196 The surveys show bats passing through the site, including common pipistrelle, long eared bats, Myotis species bats and a barbastelle. The applicants conclude that the main areas for importance for commuting consist of the woodland parcel, the south and the northern boundary. The woodland, the central hedgerow and the northern boundary are important for commuting and foraging bats, particularly common and soprano pipistrelles.

12.197 The applicants advise that due to the presence of barbastelle and serotine, both classed as 'vulnerable', the site is considered important to bats at a district level.

Badger

12.198 No setts or latrines were recorded. Mammal tracks were seen in the surveys in 2024, which may indicate the presence of badgers. The applicants ecological impact assessment states that if badgers are present, they may only be using the site for foraging and/or commuting.

Dormouse

- 12.199 Dormouse presence was confirmed on site by surveys undertaken in 2024 in the northern and central hedgerow.

Water Vole

- 12.200 A stream runs along the northern boundary of the site. Due to the shallow nature and dense bank vegetation this was assessed as being unsuitable for riparian wildlife such as water vole.

Reptiles

- 12.201 The applicants' surveys confirm the presence of slow worm, common lizard and common toad on the site. These were found across the whole site, within the woodland, along the central hedgerow and around the boundaries of the site. Slow worm and common lizard are common and widespread in southeast England. Based on the numbers involved, the applicants conclude that the site is not important to common reptiles beyond the site level.

Great Crested Newt (GCN)

- 12.202 There is one pond and a slow-moving stream within the site. A further 10 ponds are located within 500m of the site's boundaries. The pond within the site is heavily shaded, has limited macrophyte presence, and the Habitat Suitability Index (HSI) assessment undertaken in April 2024 assessed it as 'below average'. As all of the ponds and streams on site and within 250m of the site have returned negative results for great crested newt DNA, the applicants' ecologist considers it highly unlikely that the land north of Balcombe Road supports great crested newts and based on these factors, they consider the site to be of negligible importance to great crested newts.

Breeding Birds

- 12.203 The applicants report 29 species of birds being recorded during the survey. Of these, the species (Greenfinch, Herring gull, Mistle thrush) are 'red' listed under the Birds of Conservation Concern (BoCC). Based on the results, the applicants conclude that the bird assemblage is considered to be important for the conservation of birds at a local level due to the presence of likely breeding greenfinch and four more likely breeding amber listed species.

- 12.204 Avoidance, Mitigation and Enhancement Measures

- 12.205 The proposed development has been designed to avoid impacting existing habitats where possible. The final plan includes a minimum 10m buffer along the stream, central hedgerow and woodland parcel (with the exception of the entrance to the site, access through the central hedgerow and a footpath along the western side of the central hedgerow). The applicant's note that the most significant impact will be the loss of 5.11ha of other neutral grassland.

- 12.206 In respect of Dormouse, the Council's Ecological Consultant agrees that a European Protected Species Mitigation Licence (EPSML) will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. They support the outline mitigation measures for Hazel Dormouse to support the EPSML application in Section 5.6.2 of the Ecological Impact Assessment Rev 02 (The Ecology

Co-op, April 2026) and in the Dormouse Mitigation Strategy (The Ecology Co-op, 17th March 2026). The mitigation measures proposed by the applicants include the creation of new dormouse habitat through the planting of new hedgerows and installation of dormouse boxes within the retained woodland patches.

- 12.207 With regards to bats, the Council's Ecological Consultant agrees that no further surveys are required. The applicants refer to the need for a sensitive lighting scheme, the planting of new hedgerows to mitigate some of the loss of grassland foraging habitat and the installation of a minimum of 20 bat boxes. The Council's Ecological Consultant supports these measures
- 12.208 The Council's Ecological Consultant supports the Precautionary Method Statement for reptiles and mobile protected and Priority species (including Hedgehog, which is a Priority and threatened species) in Sections 5.3 and 5.7 of the Ecological Impact Assessment Rev 02 (The Ecology Co-op, April 2026).
- 12.209 With regards to badgers, impact avoidance measures are proposed during construction. There will be a residual loss of grassland habitat but compensation measures are not considered necessary as the site represents a small percentage of the overall foraging habitat for badgers within the wider landscape.
- 12.210 In respect of breeding birds, impacts have been avoided by the retention of the majority of the hedgerows. Vegetation clearance will only be undertaken outside of the breeding bird season (1st March to 31st August). If this is not possible the applicants state that a nesting bird check by a suitably qualified ecologist will be required to confirm the absence of any nests prior to vegetation clearance. The applicants conclude that the residual impact resulting from the development on breeding birds and barn owls is considered to be a significant negative impact at local level. The minimal loss of hedgerow and tree nesting habitat will be compensated for by the planting of approximately 380m of hedgerow and 168 trees. Bird boxes will be installed across the new development, to include a minimum of ten opportunities for swifts, ten for house martins, and ten for house sparrows across the buildings. Furthermore, one barn owl box and 25 small bird boxes will be installed upon trees and hedgerows across the site. The Council's Ecological Consultant has not raised an objection in relation to birds.
- 12.211 In respect of reptiles, to compensate for the loss of grassland, a minimum of two hibernacula will be created within an area of retained land. Prior to commencement of works, suitable habitats for reptiles contained within the construction site should be trimmed of vegetation to ground level and all cuttings raked off and removed.
- 12.212 Overall, the Council's Ecological Consultant is satisfied that there is sufficient ecological information available for determination of this application. They have raised no objection to the application and have recommended a number of conditions. Your Planning Officer has no reasons to dispute the views of our Ecological Consultant on these matters.
- 12.213 With regards to GCN, NatureSpace, the Council's consultants on GCN, have stated *'Whilst we agree the likely impacts have been demonstrated as low in this case, due the presence of suitable habitat on site (including an onsite pond) and due to the large scale of the development, it is recommended that a Precautionary Working Methods Statement (PWMS) is written by a suitably qualified ecologist and submitted to the Local Planning Authority for approval prior to determination or secured in a condition.'* They also state *'We therefore also want to highlight that updated surveys on all ponds with ecological*

connectivity to site are likely to be required at reserved matters stage. This could be secured via a CEMP condition (in line with Place Services recommendations) or another condition.'

12.214 With such conditions in place your Officer considers that the proposals are acceptable in relation to GCN.

12.215 Biodiversity Net Gain

12.216 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.

12.217 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—

(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).'

12.218 The Environment Act 2021 makes provision for BNG to be delivered in the following ways;

- On-site
- Off-site (on registered sites)
- Biodiversity credits (purchased nationally)

The BNG can be delivered via a blend of the above measures, as appropriate.

12.219 The applicant is proposing off-site enhancements on land to the north of the site that is in their control. it will not be possible to achieve an increase in onsite watercourse condition and therefore 0.77 watercourse units will be obtained from an off-site provider. The Councils Ecological Advisor is satisfied that the required BNG can be provided, and your Planning Officer has no reason to disagree.

12.220 Drainage

12.221 Policy DP41 in the MSDP states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

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.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

12.222 Policy DPA7 in the Submission Draft District Plan, which have minimal weight for the reasons set out in para 11.17 of this report, refers to the following matters in relation to drainage matters:

2. Follow a sequential approach by directing development away from areas of flood risk and mitigate impacts through integration of SUDS to deliver biodiversity/environmental improvements and flood resilience.'

12.223 Paragraph 181 of the NPPF states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (63). Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

Footnote 63: A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.'

12.224 Flood Risk

12.225 Flood zones are classified in the PPG as follows:

Zone 1 Low probability: Land having a less than 0.1% annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map for Planning – all land outside Zones 2, 3a and 3b)

Zone 2 Medium probability: Land having between a 1% and 0.1% annual probability of river flooding; or land having between a 0.5% and 0.1% annual probability of sea flooding. (Land shown in light blue on the Flood Map)

Zone 3a High probability: Land having a 1% or greater annual probability of river flooding; or Land having a 0.5% or greater annual probability of sea. (Land shown in dark blue on the Flood Map)

Zone 3b The Functional Floodplain. This zone comprises land where water from rivers or the sea has to flow or be stored in times of flood. The identification of functional floodplain should take account of local circumstances and not be defined solely on rigid probability parameters. Functional floodplain will normally comprise:

- land having a 3.3% or greater annual probability of flooding, with any existing flood risk management infrastructure operating effectively; or
- land that is designed to flood (such as a flood attenuation scheme), even if it would only flood in more extreme events (such as 0.1% annual probability of flooding)

12.226 Surface Water

12.227 Part H of the Building Regulations establishes a hierarchy for surface water disposal, which encourages a SuDS approach. The hierarchy is that surface runoff must be discharged to one or more of the following in the following order of priority:

1. To ground via an adequate soakaway or some other adequate infiltration system; or where that is not reasonably practicable,
2. To a watercourse; or where that is not reasonably practicable,
3. To a sewer.

12.228 An outline SuDS Strategy has been drafted and includes at source controls through porous paving acting as attenuation storage on some of the low traffic and communal parking areas, leading to three detention basins, located throughout the Site before discharging to West Common Stream at the 50% Annual Exceedance Probability (AEP) greenfield runoff rate for all storm events up to the design storm. Porous paving has been proposed for low traffic roads and communal parking areas.

- 12.229 Four detention basins are proposed. The eastern catchment is served by two detention basins (of depths 1.4m for the lower basin, and 1.2m for the upper basin) of which the upper basin will feed into the lower basin. A single basin has been used to represent the joint capacity of both these basins within the outline drainage calculations. A single detention basin with depth 1.5m serves the central catchment. The western detention basin, with a depth of 1.1m serves the southern catchment. Detention basins have been designed with side slopes of 1:3 and include hydrobrakes to control discharge to West Common Stream.
- 12.230 The applicants outline drainage strategy advises that whilst the strategy has aimed to ensure no flooding during the extreme 1 in 100 year + 45% climate change scenario, there is always a residual risk that flooding may occur for example due to more extreme events or blockage of structures. Under these conditions, exceedance flows will be designed to follow the existing preferential surface water flow paths towards the north of the Site, via the road network. Raised kerbs or bunds will be created along roads to direct flows where required. Flow will be directed away from the main access roads, and where already on the road, directed towards the nearest downslope green space to ensure that safe access is maintained for emergency services.
- 12.231 The applicants' submissions have been assessed by West Sussex County Council (WSCC) in their role as the Lead Local Flood Authority (LLFA). The LLFA oversee local flood risk, including the management of groundwater flooding, surface water run off and ordinary watercourses. Their full comments are on the file and in summary, they have raised no objection to the application, subject to conditions requiring further details to be submitted. These details would need to be submitted to and be approved prior to any development commencing and it would be expected that they would come forward once the reserved matters had been progressed.
- 12.232 Whilst there have been several concerns raised by interested parties about the drainage of the site, it is your Planning Officer's view that significant weight should be given to the views of the LLFA as they take the lead in managing local flood risks and are a statutory consultee on major developments such as this. The LLFA are satisfied that in principle the site can be satisfactorily drained and your Planning Officer has no reason to disagree with their assessment. The developer would be required to provide further details to discharge the conditions recommended by the LLFA and if satisfactory details were not subsequently submitted, the LPA would not discharge the drainage condition, and the planning permission would not be able to be implemented.
- 12.233 Foul Drainage
- 12.234 As Members will know, the Supreme Court has confirmed that a developer could connect into a sewerage system as of right, even when that system did not have sufficient capacity. The Court indicated that where this situation arises an LPA may impose a negatively worded condition when granting planning permission, which would require details of the sewage system proposal to be approved in consultation with the sewerage company before the development commences and for those approved proposals to be implemented before homes are occupied. It would not be appropriate for an LPA to refuse a planning application on the basis that there is insufficient capacity because the matter is dealt with by other legislation (the Water Industry Act 1991).
- 12.235 Foul water from the proposed development will be managed through a connection to the public foul sewerage network. The applicants state that a capacity check has been

undertaken with Southern Water, which has indicated that there is currently inadequate capacity within the foul sewerage network, however Southern Water aims to provide capacity within 24 months following planning approval. This is reflected in the consultation response from Southern Water (on file) which requested the following condition to be applied: 'Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.'

12.236 Given the legislative position outlined above, it is considered that the approach advocated by Southern Water would be appropriate in this case.

12.237 Water Supply

12.238 Policy DP42 states in part that proposals that increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate that there is adequate water supply to serve the development. There has been no response from South East Water, who supply this area, to the application. There is a duty under the Water Industry Act 1991 for the water undertaker to provide a supply of water. Given this background and the absence of any objection from South East Water, there are no grounds to resist the application in relation to this matter.

12.239 Infrastructure

12.240 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the MSDP. As Members will know, developers are only required to mitigate the impact of their proposed development: there is no requirement to address any pre-existing infrastructure deficiencies. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has two approved Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) An Affordable Housing SPD
- b) A Development Viability SPD

12.241 The NPPF sets out the government's policy on planning obligations in paragraphs 56 and 58 which state:

'56 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

and:

'58 Planning obligations must only be sought where they meet all of the following tests (25):

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

Footnote 25: Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.'

- 12.242 Build costs have risen substantially since the “Development Infrastructure and Contributions” SPD was adopted in July 2018. It is critical that new development mitigates its impact on local residents and communities. The Council revoked the SPD on 14th July 2025 and now relies on more up-to-date evidence on infrastructure costs by using Position Statement 2: Infrastructure, which has been approved by the Council as a material consideration. This Position Statement applies to all application received from 11th December 2025. As this application was received in October 2025, Appendix 5 of the Submission Draft District Plan has been used to calculate all Section 106 contributions due as this is based on the IDP, which (although it has not been the subject of examination) is the most up-to-date evidence available and is considered by officers to be robust, and your Planning Officer notes that there were no objections to Appendix 5 of the Submission Draft District Plan, which is also relevant to the weight that can be given to it.
- 12.243 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the NPPF, the infrastructure set out below is to be secured via a planning obligation.
- 12.244 Whilst there are figures provided for some infrastructure contributions, the final figure will not be known as this stage because this is an outline planning application, and the final mix of housing is not known at this stage. The figures provided at this stage will be based on average occupancy to provide Members with an indication of the quantum of infrastructure contributions. Therefore, a formula will be used in the legal agreement to calculate the contributions when the final mix of housing is known at the reserved matters stage.
- 12.245 West Sussex County Council Infrastructure Requirements:
- 12.246 Further education, secondary and primary school contributions calculated by a formula as the housing mix is not known. A library contribution, also calculated by a formula, would be required.
- 12.247 The primary education contributions generated by this proposal shall be spent on additional facilities at Harlands Primary School, or another primary school in the planning area of Haywards Heath/Cuckfield should this be more suitable at the time that the contribution is made.
- 12.248 The secondary education contributions generated by this proposal shall be spent on additional facilities at Warden Park Secondary Academy, or another secondary school in the planning area of Haywards Heath/Cuckfield should this be more suitable at the time that the contribution is made.
- 12.249 The further secondary education contributions generated by this proposal shall be spent on additional facilities on additional facilities at Haywards Heath College.
- 12.250 The library contribution generated by this proposal shall be spent on providing additional facilities at Haywards Heath Library.
- 12.251 Mid Sussex District Council Infrastructure Requirements (including police and health requirements)

- 12.252 Community buildings. An indicative contribution of £178,263 is required to be used for improvements at Ansty Village Hall; and/or Haywards Heath Methodist Church and/or The Yews Community Centre, Haywards Heath.
- 12.253 Outdoor sports. An indicative contribution of £177,156 is required to be used for Improvements at the Sports Pavilion and changing facilities at Ansty Recreation ground and/or improvements to sports facilities at Lindfield Common and/or improvements to sports facilities at Whitemans Green, Cuckfield and/or Improvements to sports facilities at Haywards Heath Cricket Club, Clair Park, Beech Hurst Gardens, Haywards Heath or Victoria Park, Haywards Heath.
- 12.254 Equipped Play Areas/Other Outdoor Provision. An indicative contribution of £248,467 is required if equipped play areas for younger children, and £197,719 for other outdoor provision if these are not provided on site, to be used for improvements to play equipment and outdoor provision at Clair Park, Haywards Heath and /or Victoria Park, Haywards Heath and/or improvements to play equipment at the Dolphin leisure centre, Haywards Heath and/or improvements to play space and outdoor provision at Lindfield Common.
- 12.255 Local community infrastructure. An indicative contribution of £126,804 to be used for public realm improvements in Ansty & Staplefield parish and/or traffic calming, including provision of speed indicator devices within the vicinity of the site and/or improvements to allotments in Ansty & Staplefield parish and/or public realm improvements within Lindfield & Lindfield Rural parishes.
- 12.256 NHS Sussex
- 12.257 Requires a contribution to go towards NHS GP services.
- 12.258 Sussex Police
- 12.259 Requires a contribution of £26,241.97 to go towards the costs of a police officer, equipment and training and a support staff.
- 12.260 It is considered that the above contributions are reasonable and necessary to mitigate the impact of this development. Subject to the completion of a s106 legal agreement to secure the required infrastructure contributions and a condition regarding digital infrastructure, the development accords with policies DP20 and DP23 of the MSDP, the relevant SPDs, Regulation 122 and guidance in the NPPF. In relation to digital infrastructure, as required by policy DP23 of MSDP, details of this provision can be secured via a condition, and a suitable wording is set out in Appendix A.

12.261 Ashdown Forest

- 12.262 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).
- 12.263 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.

12.264 A Habitats Regulations Assessment has been undertaken for the proposed development.

12.265 Recreational disturbance

12.266 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.

12.267 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.

12.268 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

12.269 Atmospheric pollution

12.270 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.

12.271 The proposed development was modelled in the Mid Sussex Transport Study as a windfall 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. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

12.272 Conclusion of the Habitats Regulations Assessment

12.273 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 proposed development.

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

12.275 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.

12.276 Other Matters

12.277 Concerns have been raised the cumulative impact of this proposal and a new planning application for 49 dwellings on land west of Gatesmead, Wickham Way, Haywards Heath (DM/26/1315). This site is on the eastern side of the railway line and is some 180m from the application site at its closest point. Whilst these concerns are noted, the application at Gatesmead is not a 'committed' development as it does not have planning permission and it is not allocated in the Development Plan for development. It is therefore not necessary for the transport impacts of the proposal at Gatesmead to be assessed as part of the assessment of this application.

- 12.278 Concerns have been raised regarding the impact of the proposal on property values. As Members will know, this is not a material planning consideration that can be taken into account when determining a planning application.

13.0 Planning Balance and Conclusion

- 13.1 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Ansty and Staplefield Neighbourhood Plan (ASNP).
- 13.2 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.
- 13.3 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Haywards Heath as defined by the District Plan. As such the site is located within the defined countryside.
- 13.4 Policy DP12 of the MSDP 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. The proposed development does not meet all the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.
- 13.5 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 13.6 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. At the present time, 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 as set out in paragraph 11(d) of the NPPF. It is not considered that the application of policies referred to in paragraph 11(d)(i) of the NPPF provide a strong reason for refusal of the application. Therefore paragraph 11(d)(ii) is engaged' having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. 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.
- 13.7 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policy DP12 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application. It is considered that policy AS1 In the ASNP has limited weight because it conflicts with policies DP6 and DP12 in the MSDP in that it allows for developments of up to 10 units anywhere within the plan boundary.

- 13.8 The proposal would provide up to 117 dwellings, including 30% affordable housing. Given the inability of the Council to demonstrate a five year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.
- 13.9 In respect of its landscape impact, it is accepted that there will be a significant change in the site's character, from a greenfield to a housing development, which will have a permanent and noticeable impact on those residents that adjoin the site. It is accepted that many people would regard this as a significant adverse impact on the landscape. To meet the housing needs of the district, there will inevitably be a need to develop green field sites (this is particularly the case in a predominantly rural authority such as Mid Sussex). This cannot, however, be an argument on its own to stop the incremental development of settlements, especially in view of the national objective, as set out in paragraph 61 of the NPPF of significantly boosting the supply of houses.
- 13.10 The proposal would provide up to 117 dwellings, 30% of which would be affordable. The proposal complies with policies DP30 and DP31 in the MSDP and it is considered that the provision of this accommodation should be given substantial positive weight in the planning balance.
- 13.11 The proposed development will not have an adverse impact in respect of air quality. A planning condition can be imposed to secure the required mitigation measures.
- 13.12 It is considered that planning conditions can be imposed regarding potential contamination of the site to ensure that the site is made suitable for its future use.
- 13.13 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990 and the proposal will provide this.
- 13.14 There are no objections to the scheme from the Environment Agency or the Lead Local Flood Authority (LLFA). It is considered that it has been demonstrated that the site can be satisfactorily drained. The detail of the drainage for the site would be controlled by condition and come through at a subsequent reserved matters application.
- 13.15 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 13.16 A planning condition can be used to ensure that archaeological matters are suitably addressed.
- 13.17 Weighing against the application is the conflict with development plan policy in relation to policies DP6, DP12 and DP15 of the MSDP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five year housing land supply. The weight to be attached to policy AS1 is reduced because of its lack of conformity with policies DP6 and DP12 in the MSDP and the fact that it is a housing supply policy. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case. There is also a conflict with policy DP16 in

the MSDP as there would be some adverse impact on views out of the HWNL into the site as a result of the change from undeveloped fields to a major housing development.

- 13.18 Also weighing against the application is the harm that would be caused to the setting of designated assets around the site. This results in a conflict with policies DP34 and DP36 of the MSDP. This harm would fall into the less than substantial category as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the less than substantial harm to designated heritage assets and the public benefits of the proposed development. In carrying out this balancing exercise, the decision maker should give significant weight to the less than substantial harm to properly reflect the statutory position in the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation of listed buildings and their settings is desirable.
- 13.19 It is considered that the significant public benefits of the scheme (provision of new housing, including affordable housing, the economic benefits including construction jobs, additional spending in the locality), do outweigh the less than substantial harm to the setting of the heritage assets in this instance.
- 13.20 It is also a material planning consideration that the site is proposed to be allocated for development under policy DPA7 in the Submission Draft District Plan. Furthermore, it is also a material planning consideration that in the Topic Paper MS-TP4 Housing Post Hearings Update, produced during the ongoing examination of the Submission Draft District Plan, the District Council has stated 'In accordance with the revised Site Selection methodology, the Council is satisfied that this additional yield can be supported and the allocation yield increased by 57 dwellings.' There are unresolved objections to policy DPA7 in the Submission Draft District Plan and therefore, only minimal weight can be given to policy DPA7 and the Topic Paper.
- 13.21 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 13.22 In light of all the above it is considered that the proposal complies with policies DP17, DP20, DP21, DP26, DP28, DP29, DP30, DP31, DP37, DP38, DP39, DP41 and DP42 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP and policy AS1 in the ASNP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing. Whilst the site is proposed to be allocated for housing in the Submission Draft District Plan, the weight that can be attached to this document at present is minimal because of the stage the plan is at in its examination and the unresolved objections to this plan. Nonetheless, the site selection process which underlies the Submission Draft District Plan supports the conclusion that DPA7 is one of the most suitable and sustainable sites which is capable of helping to meet the Council's housing need. The proposal also conflicts with policies DP16, DP34 and DP36 in the MSDP.
- 13.23 Taking all of this into account, it is your Planning Officer's view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the development plan that have been referred to in this report, the proposal does conflict 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'*.

- 13.24 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.
- 13.25 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.
- 13.26 The proposal would provide up to 117 new dwellings at a time when the Council cannot demonstrate a five year housing land supply. There would also be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would also result in a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 13.27 Your Planning Officer considers that the proposal would have a neutral impact in respect of impacts on air quality, the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated. There would be additional vehicular movements on the highway network, but these would not result in a severe impact. There would be off site works to help mitigate the impact of the development, together with a Travel Plan.
- 13.28 The proposal would have a negative impact on the setting of a number of designated heritage assets. The proposal would also change the character of this part of the district from a green field site to a housing development, which some people would regard as a negative change.
- 13.29 Your Officers are satisfied that the development complies with the final part of the paragraph 189 of the NPPF. Given this and having consideration of the assessment of the impact the proposed development would have on the setting of the High Weald National Landscape, it is not considered that there is a strong reason for refusal. As such it is not considered paragraph 11(d)(i) of the NPPF is engaged. Therefore paragraph 11(d)(ii) is considered relevant in the determination of this application.
- 13.30 It is considered that the proposed development will result in some harm to the adjacent protected landscape and as such there would be conflict with Policy DP16 of the MSDP. However, steps have been taken to minimise the impact on the setting of the High Weald National Landscape, through the reduction in the number of units and the revised parameter plans showing that there would not be residential development adjacent to Borde Hill Lane. Further details regarding landscaping and planting would come forward at the reserved matters stage. In the circumstances, your Planning Officer considers that the identified harm to be moderate and that there is no conflict with paragraph 189 of the NPPF.
- 13.31 It is your Planning Officer's view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated

for as far as possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. Approval of the details of the access, appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

The development hereby permitted must be begun either not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

Pre commencement

2. No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority"

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and to comply with policy DP38 of the Mid Sussex District Plan 2014-2031.

3. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
 - o a timetable for the commencement, construction, occupation and completion of the development
 - o the anticipated number, frequency and types of vehicles used during construction,
 - o the method of access and routing of vehicles during construction and directional signage for the purposes of such
 - o How the existing highway in proximity to the site, including routes proposed to be used by construction traffic will be safeguarded during the construction phase,
 - o the parking of vehicles by site operatives and visitors,
 - o the siting and layout of site compounds and welfare facilities for construction workers
 - o the loading and unloading of plant, materials and waste,
 - o the storage of plant and materials used in construction of the development,
 - o the design, erection and maintenance of security hoardings and other measures related to site health and safety
 - o the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - o a scheme to protect existing neighbouring properties from dust and noise emissions
 - o measures to monitor and control noise and vibration affecting nearby residents (in accordance with BS5228:2014 Code of practice for noise and vibration control on construction and open sites - with particular regard to the noisiest activities, typically piling, earthmoving, concreting, vibrational rollers and concrete breaking);
 - o dust management plan - monitoring and control in accordance with industry best practice
 - o control of artificial illumination
 - o a noise management plan, to include consideration of vibration from construction work including the compacting of ground
 - o measures to deal with surface water run-off from the site during construction

- o a scheme for community liaison and public engagement during construction, including the provision of information to occupiers moving onto the site before the development is complete
- o contact details of site operations manager, contracts manager, and any other relevant personnel.

Reason: In the interests of highway safety and the amenities of the area and to comply with policies DP21 and DP26 of the Mid Sussex District Plan 2014-2031.

4. (1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.
- (2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in Part 1 and confirmed by the archaeological advisors to the Local Planning Authority.
- (3) No development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/preservation strategy for approval by the Local Planning Authority.
- (4) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI, and approved by the Archaeological Advisors to the Local Planning Authority.
- (5) The applicant will submit a Post Excavation Assessment and/or Updated Project Design for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: The site is potentially of archaeological interest and to accord with Policy DP34 of the Mid Sussex District Plan 2014 - 2031.

5. Prior to commencement of the development, detailed designs of a surface water drainage scheme shall be submitted to and agreed with the Local Planning Authority. This shall be in accordance with the approved Flood Risk Assessment, Aqua Terra Consulting, April 2026, Revision 2 and Outline Drainage Strategy by Aqua Terra Consulting, April 2026, Revision 2. The design shall follow the NPPF, PPG Flood risk and coastal change and National Standards for SuDS. The submitted details shall include:
 1. Surface water runoff rates will be attenuated to the rates and volumes stated within 3.4 of the of the Drainage Strategy.
 2. Evidence that the surface water drainage system complies with the National Standards for SuDS for the management of everyday rainfall (interception).
 3. Details of all existing and proposed watercourses and sewers, including any proposed discharge points.
 4. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm

duration for the 3.33% and 1% annual probability rainfall events (both including allowances for climate change). Hydraulic calculations and detailed construction drawings shall be submitted to demonstrate this.

5. Detailed drainage layout plan, which corresponds with the hydraulic calculations.
6. An exceedance flow routing plan demonstrating no increase in surface water flood risk off site. The plan must include proposed levels and flow directions.
7. Evidence that the surface water drainage system meets Standard 4-6 of the National Standards for SuDS.
8. Construction method statement for the surface water drainage system and any ordinary watercourses within or adjacent to the site.
9. Site-specific maintenance and management plan for all elements of the surface water drainage system and any ordinary watercourses/culverts within the development.
10. Finished ground floor levels of residential properties are a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 181,182 and 187 plus National SuDS Standards 1 to 7, by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development and to comply with policy DP41 of the Mid Sussex District Plan 2014-2031.

6. Upon completion of the surface water drainage scheme (or phase) and prior to the first occupation of the development (or phase), a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved and shall include as a minimum.

1. CCTV survey of underground structures,
2. A full set of "as built" drawings highlighting any minor changes to the approved drawings.
3. Demonstration that vegetation has become established.
4. Photographs of excavations (including soil profiles/horizons) and any installation of any surface water drainage structures and control mechanisms.
5. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Local Plan Policies of Mid Sussex District Council and to comply with policy DP41 of the Mid Sussex District Plan 2014-2031.

7. The development hereby approved shall not be occupied until details of the maintenance and management of the Sustainable Drainage Scheme (SuDS) in accordance with National SuDS Standard 7 have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the network in addition to those listed in SuDS Standard 7 to be submitted for approval shall include:

1. A timetable for its implementation.

2. Details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a non-technical labelled drawing showing where they are located and how to access them.

3. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Local Plan Policies of Mid Sussex District Council and to comply with policy DP41 of the Mid Sussex District Plan 2014-2031.

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

o all previous uses

o potential contaminants associated with those uses

o a conceptual model of the site indicating sources, pathways and receptors

o potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the Local Planning Authority,

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the Local Planning Authority,

c) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 196 of the NPPF.

9. No development shall commence until a scheme that addresses the issues of acoustics, ventilation and overheating (AVO) has been submitted to and agreed in writing by the Local Planning Authority.

Good acoustic design shall be fully integrated into the scheme. The hierarchy of good acoustic design (GAD) shall be applied in descending order and the methods utilised shall be clearly outlined in an Acoustic Design Statement (ADS).

The scheme shall a) outline the level of noise exposure for each property and how the noise level within any domestic living room or bedroom, with windows open for normal ventilation, shall comply with the desirable internal noise levels as outlined in Table 2.1 of BS8233:2014 and b) outline how the noise level within any domestic bedroom, with windows open, shall not normally exceed 42 dB(A) LAFmax between 23:00 and 07:00, in line with WHO NNGL 2007.

Where the standards in (a) or (b) above cannot be achieved following GAD and with windows open, only then shall the scheme show how those standards will be met with windows closed and how adequate ventilation and cooling will be provided.

and unless otherwise agreed in writing by the Local Planning Authority,

Where windows must remain closed to achieve acceptable internal noise levels, an overheating assessment must be undertaken with accordance with CIBSE. The cooling hierarchy shall be applied to the scheme.

The methods integrated into the design to prevent overheating shall be fully outlined in the AVO scheme and no dwelling hereby permitted shall be occupied until the approved scheme has been implemented in full for that dwelling.

If as a last resort mechanical ventilation is to be used, it must be demonstrated that it still complies with internal noise levels while providing sufficient ventilation.

Any amendments to the scheme or alterations to it must be agreed in writing with the Local Planning Authority in advance.

All acoustic reports submitted in relation to the scheme shall include characterisation of uncertainty and shall demonstrate the adoption of good practice to minimise uncertainty.

Reason: To ensure a high quality development for future occupiers and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

10. Prior to the commencement of development above slab level, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the costs derived from the Air Quality Assessment by Anderson Acoustics, Ref. 8642_001R_2 0_HF, and dated 2nd December 2025, and the mitigation measures in accordance with the Air quality and emissions mitigation guidance for Sussex which is current at the time of the reserved matters application. All works which form part of the

approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect air quality and to comply with policy SA38 of the Site Allocations DPD.

11. Prior to the commencement of construction of any dwelling or building subject of this permission, including construction of foundations, full details of a hard and soft landscaping scheme shall be submitted to and approved by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development. These and these works shall be carried out as approved. These works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

12. No development shall take place unless and until details of the existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the appearance of the locality and amenities of adjacent residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

13. No development above slab level shall be carried out unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

14. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended) and to accord with and Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

15. Prior to commencement of development a Precautionary Working Methods Statement (PWMS) written by a suitably qualified Ecologist regarding Great Crested Newts shall be submitted to the Local Planning Authority for its written approval. The approved details shall then be implemented during the course of the development.

Reason: To protect Great Crested Newts and to comply with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

Pre-occupation

16. Prior to occupation, a "lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority."

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and to accord with and Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

17. Prior to the occupation any dwelling subject of this permission details of proposed screen walls/fences and/or hedges shall be submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

18. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 196 of the NPPF.

19. No part of the development shall be commenced until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the approved drawings.

Reason: In the interests of road safety and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

20. No part of the development shall be first occupied until the emergency, pedestrian and cycle access onto Balcombe Road has been constructed in accordance with the approved plans. The access, once constructed, shall thereafter be used by emergency vehicles, pedestrians, and cyclists only.

Reason: To ensure that the emergency access is suitable for its intended purpose and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

21. No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

22. No part of the development shall be first occupied until Electric Vehicle Charging spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide EVC charging points to support the use of electric vehicles in accordance with national sustainable transport policies and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

23. No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

24. No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed and surfaced in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development and to comply with policy DP21 of the Mid Sussex District Plan 2014-2031.

25. No residential dwelling shall be first occupied until details of the digital infrastructure for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the appropriate provision of digital infrastructure and to comply with policy DP23 of the District Plan 2014-2031.

Construction phase and compliance

26. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Response Letter (The Ecology Co-op, 19th May 2026), Ground Level Tree Assessment (The Ecology Co-op, 16th April 2026), Ecology Response Letter (The Ecology Co-op, 15th April 2026), Dormouse Mitigation Strategy (The Ecology Co-op, 17th March 2026) and Ecological Impact Assessment Rev 02 (The Ecology Co-op, April 2026), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for mobile protected and Priority species in Sections 5.3 and 5.7 of the Ecological Impact Assessment Rev 02 (The Ecology Co-op, April 2026), which avoids impacts on protected species.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and to comply with policy DP38 of the Mid Sussex District Plan 2014-2031.

27. Any works which will impact the breeding / resting place of Hazel Dormouse, shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998 and to comply with policy DP38 of the Mid Sussex District Plan 2014-2031.

28. The development shall be implemented in accordance with the Arboricultural Impact Assessment & Method Statement (10th April 2026) submitted with the application.

Reason: To ensure the retention of trees within the site and to comply with policy DP37 of the Mid Sussex District Plan 2014-2031.

29. Occupation of the development shall be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure the provision of appropriate drainage for the development and to comply with policies DP41 and DP42 of the Mid Sussex District Plan 2014-2031.

30. The developer must advise the local authority (in consultation with Southern Water) of the landscaping proposals in proximity of public apparatus in order to protect it in accordance with Southern Water's guidance, prior to the commencement of the development.

Reason: To ensure the protection of existing drainage infrastructure and to comply with policies DP41 and DP42 of the Mid Sussex District Plan 2014-2031.

31. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with paragraph 196 of the NPPF.

32. Any external plant or machinery associated with the development shall be designed, installed and operated so that its rating level (L_{Ar},T_r), as defined and derived in accordance with BS 4142:2014+A1:2019, does not exceed the representative background sound levels (L_{A90,T}) already established for the site within the submitted Noise Impact Assessment by Anderson Acoustics, Ref. 8687_001R_1 0_BG, and dated 9th January 2026. The assessment shall be undertaken with all plant operating at its maximum duty condition, and shall demonstrate compliance at the nearest existing or proposed residential façade. The approved noise control measures shall be implemented prior to first occupation of the relevant dwelling(s) and thereafter retained and maintained for the lifetime of the development.

Reason: To ensure a high quality development for future occupiers and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

33. Construction hours: Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

- o Monday to Friday: 08:00 - 18:00 Hours
- o Saturday: 09:00 - 13:00 Hours
- o Sundays and Bank/Public Holidays: no work permitted

Reason: to protect the amenity of local residents and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

34. Deliveries: Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

- o Monday to Friday: 08:00 - 18:00 hrs
- o Saturday: 09:00 - 13:00 hrs
- o Sundays and Bank/Public Holidays: None permitted

Reason: To protect the amenity of local residents and to comply with policies DP26 and DP29 of the Mid Sussex District Plan 2014-2031.

35. The application has been assessed and determined on the basis of the schedule of plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

36. Any reserved matters application shall be submitted in general conformity with:

Overall parameters plan 2508/PL.07 B

Building heights parameters plan 2508/PL.05 B

Lane use parameters plan 2508/PL.03 B

Green infrastructure parameters plan 2508/PL.06 B

Access and movements parameters plan 2508/PL.04B

Reason: For the avoidance of doubt and in the interest of proper planning and to ensure a high quality development in accordance with policy DP26 of the Mid Sussex District Plan 2014-2031.

37. Further supplementary ecological surveys for roosting bats in trees, Hazel Dormouse, reptiles and Great Crested Newt shall be undertaken to inform the ecological measures shall be submitted with the reserved matters application. The supplementary surveys shall be of an appropriate type for the above species and survey methods shall follow national good practice guidelines.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended) and to comply with policy DP38 of the Mid Sussex District Plan 2014-2031.

Biodiversity Net Gain

1. This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. Section 59 of the 1980 Highways Act - Extra-ordinary Traffic

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act (or similar, as might be agreed), to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction

traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.

2. Works within the Highway - Implementation Team

The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

3. Provision of Adoptable Highway

The applicant is required to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover any proposed on or off-site highway works, or works requiring any non-highway land to be adopted (e.g. to assist with delivery of the access roundabout and associated visibility splays etc). The applicant should contact the Implementation team leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk.

4. Temporary Works Required During Construction

The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

Temporary directional signs to housing developments (Major apps only 10 units +)

The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/#overview>

5. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the appropriate authority, which in this instance is West Sussex Lead Local Flood Authority. It is advised to discuss proposals for any works at an early stage of proposals. Further details can be found here: Ordinary watercourse land drainage consent - West Sussex County Council.
6. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £116 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

7. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
8. In accordance with Article 35 Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Human Rights Implications

The planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Other	SDP-XX-XX-DR-D-357	P2	25.06.2026
Other	SDP-XX-XX-DR-D-356	P3	15.04.2026
Other	SDP-XX-XX-DR-D-355	P5	15.04.2026
Other	SDP-XX-XX-DR-D-354	P5	15.04.2026
Other	SDP-XX-XX-DR-D-311	P3	15.04.2026
Other	SDP-XX-XX-DR-D-310	P5	15.04.2026
Topographical Survey	23/6025		05.03.2026
Other	SDP-XX-XX-DR-D-305	P10	25.06.2026
Other	SDP-XX-XX-DR-D-352	P8	25.06.2026
Other	SDP-XX-XX-DR-D-353	P4	15.04.2026
Location Plan	2508/PL.01		08.12.2025
Other	2508/PL.02	D	15.04.2026
Other	2508/PL.03	B	15.04.2026
Other	2508/PL.04	B	15.04.2026
Other	2508/PL.05	B	15.04.2026
Other	2508/PL.07	B	15.04.2026
Other	2508/PL.08	W	15.04.2026
Landscaping	D2935-FAB-00-XX-DR-L-1000	PO2	15.04.2026

