

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0369	Case Officer:	Hamish Evans
Application Type:	Full Application		
Proposal:	Demolition of existing house, storage barn and stables and erection of replacement dwelling including proposed greenhouse, realigned driveway and hardstanding, alteration to existing garage and associated work.		
Site:	Old Park Lodge, Slaugham Lane, Warninglid, Haywards Heath, West Sussex, RH17 5TJ, ,		
Validation Date	18 Feb 2025	Overall Expiry Date:	24 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 May 2025
Target Date:	15 Apr 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
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Signed and Agreed By:	Stephen Ashdown	Date:	22 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0369

**Old Park Lodge, Slaugham Lane, Warninglid, Haywards Heath, West Sussex, RH17 5TJ,
Demolition of existing house, storage barn and stables and erection of replacement dwelling
including proposed greenhouse, realigned driveway and hardstanding, alteration to existing
garage and associated work.**

D And P Simpson And Marshall

SUMMARY OF REPRESENTATIONS

Two third-party letters have been received in response to this application. One objects to the proposal as they have concerns regarding draining surface water onto their land. They raise no objection to the principle of the proposal. The letter in support requests that works be undertaken between 8am and 5pm Monday to Friday and they are notified if it results in obstruction of the access road.

SUMMARY OF CONSULTEES

MSDC Ecology

Recommend approval subject to conditions.

MSDC Drainage Engineer

No objection subject to condition.

Newt Officer

No objection subject to condition.

MSDC Tree Officer

No objection subject to condition.

SLAUGHAM PARISH COUNCIL OBSERVATIONS

No objection.

INTRODUCTION

The application seeks planning permission for the demolition of the existing buildings and the erection of a replacement dwelling, with a greenhouse, amended driveway, hardstanding and garage at Old Park Lodge Slaugham Lane Warninglid RH17 5TJ.

RELEVANT PLANNING HISTORY

None relevant.

SITE AND SURROUNDINGS

The application site is located within the countryside and the High Weald Area of Outstanding Natural Beauty. The built up area boundary of Warninglid is located some 1000 metres to the south of the site. A significant area of Ancient Woodland is located to the east of the site.

The site consists of a detached two-storey residential dwelling which is characterised by white render and bare brown brick work walls, brown clay roof tiles and dark timber window and door frames. It is in a significantly dilapidated appearance and the submitted documents advise that it has not been occupied for several years. The existing dwelling is located to the south of the site. There are existing areas of hardstanding surrounding the existing dwelling and the existing access to the site. A detached single storey garage is located to the west of the existing dwelling, a single storey barn and stable building are located to the north of the existing dwelling and a poly tunnel is located to the north of the existing dwelling. The site is relatively significant in its size and includes the buildings as set out above and a significant amount of grassland. The sites boundary treatment includes significant tree lines to the north, east and west of the site and to the south there is a significant hedgerow. The site is accessed through a private lane to the south of the site, which leads to Slaughtam Lane to the west of the site.

The surrounding area is rural in its nature with sporadic residential development, significant woodland and open countryside being located to the north, south, east and west of the site. The existing dwellings within the surrounding area are characterised by a variety of traditional external materials. The existing dwellings are predominantly detached relatively significantly sized properties.

APPLICATION DETAILS

The application seeks planning permission for the demolition of the existing buildings and the erection of a replacement dwelling, with a greenhouse, amended driveway, hardstanding and garage at Old Park Lodge Slaughtam Lane Warninglid RH17 5TJ.

The proposed replacement dwelling would be sited centrally within the site to the north of the existing dwelling and in a similar location to the existing stable buildings and storage barns. The proposed dwelling would measure some 14.1 metres in width, 11.1 metres in depth, an eaves height of 4.5 metres and a total height of 6.1 metres. It includes a chimney which measures some 1.2 metres in height. At ground floor it would include a kitchen dining room, home cinema, utility room, sitting room, W/C, studio, study/library and porch. At first-floor it would include two bedrooms, one with a en-suite and dressing room, a bedroom/gym and two shower rooms. It would be characterised by bare brown brick work walls, red clay roof tiles and anthracite aluminium window and door frames.

The proposal also include a greenhouse which will measure some 2.7 metres in width 2.0 metres in depth, an eaves height of 1.5 metres and a total height of 2.5 metres. It would be connected to the main dwelling by a glazed link measuring some 2.5 metres in width, 0.9 metres in depth and 1.8 metres in height. The proposal will retain the existing vehicular access to the site and it seeks to create an internal round about and track within the site.

The existing buildings to be demolished consist of the existing residential dwelling, stable buildings, storage barns and the frame of a polytunnel.

The proposal also seeks to make alterations to the fenestrations of the existing garage which is to be retained. The proposed alterations include the removal of three ground floor windows, the existing garage door, an existing pedestrian door and the installation of two garage doors.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

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

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

Mid Sussex District Plan

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

Relevant policies:

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

Site Allocations DPD

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

No relevant policies.

Slaugham Neighbourhood Plan

The Slaugham Neighbourhood Plan was made in September 2019.

Relevant policies:

Policy 1: Protecting the Area of Outstanding Natural Beauty
Policy 2: Sustainable development measures

Other Legislation

Countryside and Rights of Way Act (CROW) 2000

Other Material Considerations

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

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

Relevant policies:

DPS1: Climate Change
DPS2: Sustainable Design and Construction
DPS4: Flood Risk and Sustainable Drainage
DPC1: Protection and Enhancement of Countryside
DPC3: New Homes in the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPB1: Character and Design
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle (EV) Charging Infrastructure
DPH1: Housing
DPH2: Sustainable Development - Outside the BUA
DPH6: Self and Custom Build Housing
DPH11: Dwelling Space Standards

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

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

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

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

Paragraph 12 of the NPPF states;

'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with

an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 39 of the NPPF states;

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

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

National Design Guide

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

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

Technical Housing Standards

ASSESSMENT

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

- o Principle
- o Design, Impact on the character of the area and impact on the High Weald AONB
- o Highways
- o Impact on Residential Amenity
- o Trees, Hedgerows and Ancient Woodland
- o Housing Standards
- o Flood Risk and Drainage
- o Ecology
- o Sustainability
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Principle

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

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

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

Policy DP15 of the Mid Sussex District Plan contains policy justification for replacement dwellings. It in part states:

'Replacement dwellings in the countryside will be permitted where:

The residential use has not been abandoned;

Highway, access and parking requirements can be met; and

The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.'

Whilst the existing dwelling is not currently occupied the submitted documents state that the building was occupied in 2023 and as such the residential use is not considered to have been abandoned. The proposed residential development does meet the above special justification subject to the criteria as set out above.

The existing site has a number of existing buildings which are of a dilapidated appearance and the proposed dwelling would be sited where the existing single storey barns and stables are located. The proposed built form within the site is not considered to be significantly more than the existing however, the proposal does include more two-storey elements. The proposal would remove the majority of the dilapidated and unsightly buildings. There is significant boundary treatment surrounding the site and as such there would be limited views of the proposed dwelling from the public realm. Whilst it is noted that the proposed dwelling is of a relatively significant scale, it would be sited well within the site so as not to appear overly prominent within the street scene. It should also be noted that the residential dwellings within the street scene are detached and of relatively significant scales similar to the proposal. The scale of the proposed dwelling is considered to be commensurate to the scale of the site as the site is significant. The proposed external materials of the dwelling are relatively traditional in their appearance and its pitched roofed form is considered to reflect the character of the area. The submitted plans show a relatively large area of hardstanding to provide vehicular access to the dwelling and parking, the details of this area can be secured by a suitably worded condition. The alterations to the existing garage are modest in their nature. Taking into account the above the proposal is considered to maintain the quality of the natural and built landscape.

In terms of the criterion within policy DP15 the property is still occupied and as such has not been abandoned and the highways access, parking arrangement and impact on the quality of the natural and/or built landscape of the High Weald Area of Outstanding Natural Beauty will be assessed in subsequent sections of this report.

Taking into account the above and subject to the subsequent sections regarding highways access, parking arrangement and impact on the quality of the natural and/or built landscape of the High Weald Area of Outstanding Natural Beauty the principle of a replacement dwelling is considered acceptable and complies with above-mentioned parts of policies DP12 and DP15 of the Mid Sussex District Plan.

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

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

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

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

'For decision-taking this means;

c) *approving development proposals that accord with an up-to-date development plan without delay; or*

d) *where there are no relevant development policies, or the policies which are most important for the determining the application are out-of-date, granting planning permission unless;*

i. *The application of policies within this Framework that protect areas of assets of particular importance provides a strong reason for refusing development proposed; or*

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

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

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

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

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

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

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

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

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

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Design, impact on the character of the area and impact on High Weald AONB

Policy DP26 of the Mid Sussex District Plan relates to design and amenity and states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- o optimises the potential of the site to accommodate development.'*

Principle DG38 is also considered to be relevant and states:

'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.

The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated.

Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements. This includes:

- o The elevational treatment and overall façade design;*
- o The placement, proportions and design of windows, doors and balconies;*
- o A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- o The appropriate incorporation of dormer windows and chimneys;*
- o An appropriate palette of good quality materials that are preferably locally sourced.'*

The site is located within the High Weald Area of Outstanding Natural Beauty. The legal framework for Areas of Outstanding Natural Beauty (AONB) in England and Wales is provided by the Levelling-Up and Regeneration Act 2023. Section 245(6)(a) sets out the primary purpose of AONBs: to conserve and enhance natural beauty. It also requires Local Planning Authorities to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'.

Paragraph 189 of the NPPF states that 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues.'

A similar ethos can be found within both policies DP16 of the District Plan and policy 1 of the Slaugham Neighbourhood Plan, which state in part that development within the High Weald AONB '*will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular... character and local distinctiveness, settlement pattern, sense of place and setting of the AONB...*'

The proposed dwelling would be sited where a number of existing single storey buildings are and whilst it would be of a larger two-storey nature the proposal would result in the removal of an existing two-storey building. The proposed dwelling would be sited well within the site so as not to appear overly prominent within the street scene. It should also be noted that the residential dwellings within the street scene are detached and of relatively significant scales similar to the proposal, and the scale of the proposed dwelling is considered to be commensurate to the scale of the site as the site is significant. The design of the building is relatively traditional in its appearance and it is not uncommon to see similar designed dwellings within the countryside. There is significant boundary treatment surrounding the site which is to be retained and the proposed hard and soft landscaping can be secured by a suitably worded condition. The alterations to the existing garage are modest in their nature.

The proposed external materials to be used in the replacement dwelling are seen within the existing site and the surrounding area and they are predominantly traditional in their appearance. They are also considered to be appropriate for the rural setting of the site and details of the proposed external materials can be secured by a suitably worded condition. It is therefore considered that the proposed development would be of an appropriate design, size and scale that addresses the character and scale of the surrounding buildings and landscape and would comply with the above mentioned policies.

In relation to the impact upon the wider AONB, the proposed development would be replace an existing two-storey dwelling and would be located on a similar footprint to existing structures within the site. As set out in the previous section of this report above the scale, nature and appearance of the proposed dwelling would be appropriate in the rural setting in which it is located. Due to the existing boundary treatment there would be limited views of it from the surrounding area. As such it is considered to preserve the character of the AONB in accordance with policy DP16 of the District Plan, policy 1 of the Slaugham Neighbourhood Plan and paragraph 189 of the NPPF.

Highways Matters

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

'...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.'*

Paragraph 115 of the NPPF states; *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

The proposal does not seek to alter the existing vehicular entrance to the site and due to the nature of the application it is considered that a similar level of vehicular movements will occur at the site. As such it is not considered to adversely impact the wider road network. The proposal seeks to retain the existing garage building and the submitted plans show an area of hardstanding to the south of the proposed dwelling. This could accommodate some six vehicles which would be above the requirements as set out within the WSCC Parking Guidance. The proposal also seeks to retain the existing building as a garage which could accommodate the storage of bikes.

A representation letter has been received in respect of the application and raises concern over the obstruction of the private road to the south of the site. Taking into account the scale of the proposed works and the need to keep the private lane open for access to other dwellings, it is considered appropriate to impose a condition to secure a construction management plan.

Taking into account the above, it is considered that policy DP21 would be met and therefore there are no highway, access or parking grounds to resist the proposal.

Residential Amenity

When considering impact upon neighbouring amenities, policy DP26 of the District Plan states in part that development proposals should *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);'*

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

The proposed dwelling would be located well within the site and there is significant boundary treatment surrounding the site. The proposed dwelling would not be adjacent to any existing dwellings and due to its location it would not appear overly dominant from neighbouring properties. The proposal includes appropriate openings to the proposed habitable rooms. Taking into account the above the proposal is not considered to cause significant harm to the amenities of nearby residents and future occupiers and is considered to comply with the above-mentioned policies.

Trees, Woodland and Hedgerows

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

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

'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.'

There are a variety of existing trees on the site and they are of varying quality and species. The majority of existing trees are to be retained, with four grade U trees to be removed. The submitted documents state that due to their poor quality these trees would be removed irrespective of the proposed development. The submitted documents also set out protection measures to protect the existing trees during the construction of the proposal. The development would be located outside the 15 metres buffer of the Ancient Woodland to the east of the site. The Council's Tree Officer has commented on the application and raised no objection subject to a condition securing the proposed protection measures. As such the proposal is considered to comply with the above-mentioned policy.

Dwelling Space Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

A 3-bedroom 6-person, 2 storey dwelling is required to provide a minimum gross internal floor area of 102 square metres and 2.5 sqm of built-in storage. The proposed dwelling provides a gross internal floor area of 300.0 square metres. Therefore, the proposed dwelling would comply with the above standards. Taking into account the above the proposed standard of living for future occupiers would be acceptable and the proposal complies with policy DP27 of the Mid Sussex District Plan and the Government's Technical Housing Standards - Nationally Described Space Standards document.

Flood Risk and Drainage

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

Para 170 of the NPPF relates to planning and flood risk and states:

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

The Council's Drainage Officer has confirmed that based on the information that has been submitted they raise no objection on drainage or flood risk grounds. Additional details of the proposed flood risk and drainage strategy can be secured by a suitably worded condition. The proposal, subject to the recommended conditions it is therefore considered to comply with Policy DP41 of the Mid Sussex District Plan.

A representation letter has been received which objects to the proposal due to draining surface water onto their land, however no evidence has been provided of this, and this would be a separate private issue between the applicant and the neighbour.

Ecology

Paragraph 192 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Paragraph 193 states in part that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort compensated for, planning permission should be refused. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity. This stance is reflected under policy DP38 of the District Plan which states in part that:

'Biodiversity will be protected and enhanced by ensuring development:

- Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and

- Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and...'

The Council's Ecologist has commented on the application and stated that the submitted measures and information is sufficient enough to determine the application and subject to the imposition of conditions and compliance with the submitted information any protected species or their habitats within the site would be adequately protected. The Council's Newt Officer has also been consulted on the application and they have advised that the applicant has entered into the District Licence Scheme which ensures suitable protection and mitigation in regard to impact on Great Crested Newts and their habitats. The proposed development would also be located outside the 15 metre buffer for the Ancient Woodland to the east of the site.

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

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

Sustainability

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate measures including minimising energy use through the design and layout of the scheme; maximise efficient use of resources, including minimising waste and maximising recycling/re-use of materials through both construction and occupation; and also to limit water use to 110 litres/person/day.

A similar ethos is found within Policy 2 of the Slaugham Neighbourhood Plan.

At national level Paragraph 161 of the NPPF states:

'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

While Paragraph 166 states:

'In determining planning applications, local planning authorities should expect new development to:
a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

The application has been supported by a sustainability statement which has set out that the proposal would include the following measures:

- Exceed compliance with Approved Document L1 of the building regulations
- Air tight building,
- Air Source Heat Pumps for Heating
- Time and temperature heating controls with weather compensation controls
- Grey water harvesting systems
- Dual flush toilets

- Water efficient white goods
- Water butt
- Solar PV panels

Details of which can be secured by condition, consequently, the proposal is deemed to comply with Policy DP39 of the District Plan, Policy 2 of the Neighbourhood Plan and the relevant provisions of the NPPF.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises of development which is Self and Custom Build development, it consists of no more than 9 dwellings and the site area is below 0.5 hectares meaning that this development is exempt from providing biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

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

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP12, DP15, DP16, DP21, DP26, DP27, DP37, DP38, DP39 and DP41 and Slaugham Neighbourhood Plan policies 1 and 2.

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

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

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

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, the proposal would not result in a net increase in dwellings on the site. The proposal would result in construction jobs over the life of the build. Because, however, of the small scale of the development proposed these benefits would be very limited.

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

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

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

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

Decision: Permission

Case Officer: Hamish Evans