

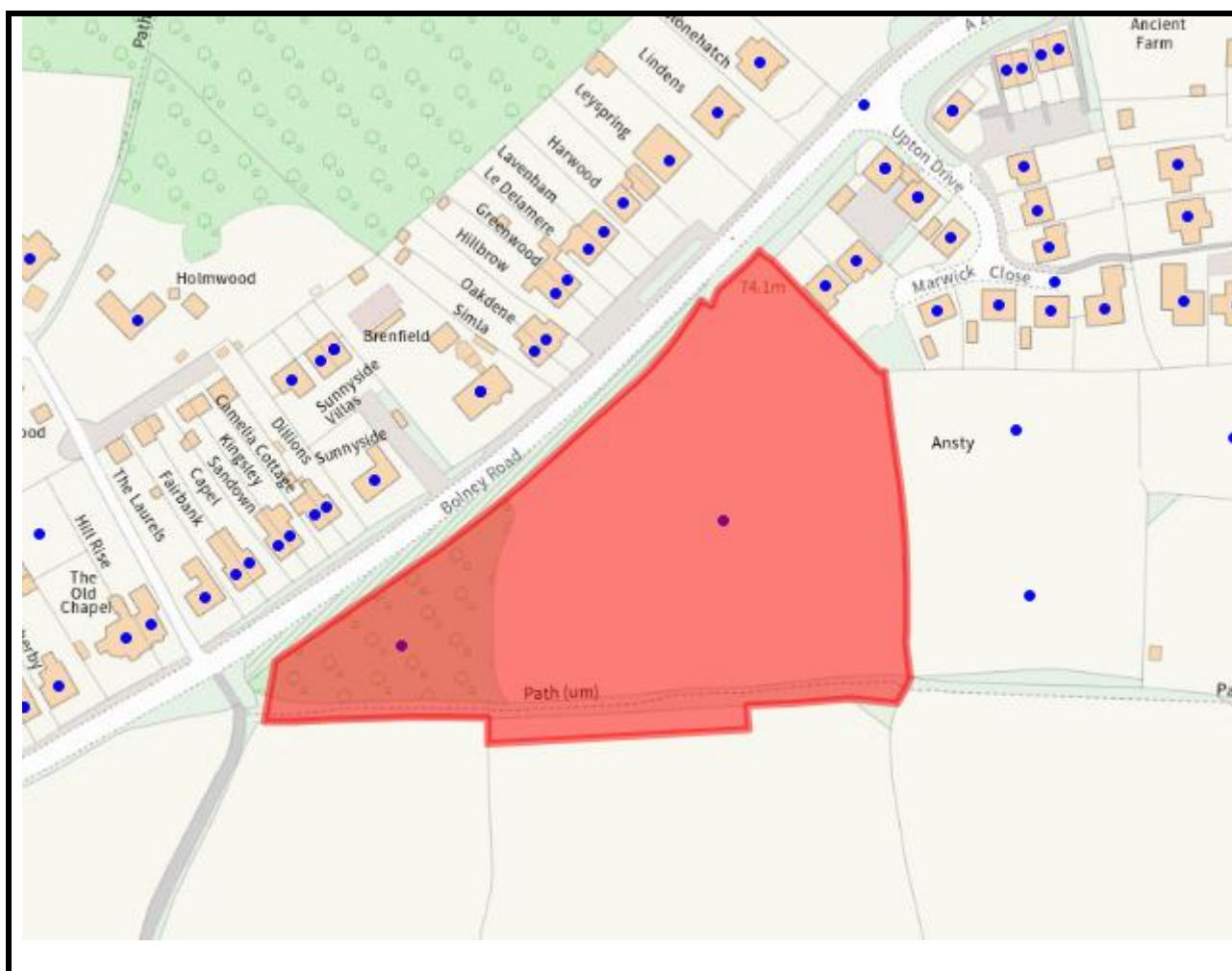
Planning Committee



Recommended for Permission

8th October 2026

DM/26/0454



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Site:	Land Parcel At Bolney Road Ansty West Sussex
Proposal:	Proposed erection of 33 new homes with access from Marwick Close, vehicle and cycle parking, landscaping, drainage, and associated infrastructure and highway works. (amended plans received 25/06/2026 showing revised layout, reduction in the number of units to 33 and new footway on A272.) (Updated Road Safety Audit and Designers Response and plans recieved 03/08/2026).
Applicant:	Rosie Baker
Category:	Smallscale Major Dwellings
Target Date:	11th September 2026

Parish:	Ansty And Staplefield
Ward Members:	Cllr Malcolm Avery / Cllr Jim Knight /
Case Officer:	Steven King

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=TARIE2KT04L00>

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 full planning permission for the erection of 33 new homes with access from Marwick Close, vehicle and cycle parking, landscaping, drainage, and associated infrastructure and highway works.
- 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 Ansty 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 of critical importance which should be taken into account in the determination of this application. This is

confirmed within paragraph 1 of the NPPF. At the present time, the Council is unable to demonstrate a five year supply of deliverable housing sites.

- 2.8 For the reasons set out within this report, policies DP4, DP6 and DP12 are materially inconsistent with the NPPF and can be given very limited weight; policy DP15 can be afforded full weight in the determination of this application. It is considered that policy AS1 In the ASNP has very limited weight because it is materially inconsistent with the NPPF.
- 2.9 Policy S3 in the NPPF states that decisions on development proposals should apply a presumption in favour of sustainable development. For development outside settlements this means that policy S5 in the NPPF should be applied. Policy S5 states that outside settlement boundaries only certain forms of development should be allowed. It then sets out a list of such developments. One of the categories of development that policy S5 says should be approved is development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would be physically well-related to an existing settlement.
- 2.10 The proposal would provide 33 dwellings, including 30% affordable housing on a site that is physically well-related to an existing settlement. Given the inability of the Council to demonstrate a five year housing land supply, policy S5 in the NPF applies. Given 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.
- 2.11 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 chapter 6 of the NPPF of supporting the delivery of a substantial increase in the supply of homes.
- 2.12 The proposal would provide 33 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.
- 2.13 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.
- 2.14 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 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.
- 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 It is considered that the site can be satisfactorily accessed. There is no objection to the proposal from the Local Highway Authority (LHA). As the statutory body with responsibility for the road network within the district, it is considered that their views should be afforded significant weight.
- 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 very limited because they are materially inconsistent with national decision-making policies in the NPPF. The weight to be attached to policy AS1 is also very limited. 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.
- 2.19 Also weighing against the application is the harm that would be caused to the setting of designated and non-designated heritage assets around the site. This results in a conflict with policy DP34 of the MSDP. The weight to be attached to policy DP34 is very limited because it is materially inconsistent with national decision-making policies in the NPPF. This harm would not fall into the 'substantial' category as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the 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 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 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 DPA17 in the Submission Draft District Plan. There are unresolved objections to policy DPA17 in the Submission Draft District Plan and therefore, only minimal weight can be given to policy DPA17.
- 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. The proposal also conflicts with policy DP34 in the MSDP. 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 DPA17 is one of the most suitable sites which is capable of helping to meet the Council's housing need.

- 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 Policy S5, Principle of development outside settlements, in the NPPF applies. This sets out the forms of development that should be approved outside of settlement boundaries. It states in part:
- '1. Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:*
- j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:*
- i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure;'*
- 2.26 As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that part 1j of policy S5 in the NPPF applies.
- 2.27 The proposal would provide 33 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 17 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.
- 2.29 The proposal would have a negative impact on the setting of several designated heritage assets and a non-designated heritage asset. 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 It is your Planning Officer's view that the adverse effects of the development would not substantially outweigh the benefits when assessed against the national decision-making policies in the NPPF. 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 application.

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, the biodiversity net gain requirements and the necessary affordable housing.

3.2 Recommendation B

If a satisfactory planning obligation has not been completed by 31st December 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

35 letters of objection:

- not enough space to build 34 homes
- will create more traffic and noise problems
- will be damaging to wildlife
- significant disruption during construction
- would place additional parking pressure on area
- will cause a highway safety risk
- lack of adequate pedestrian infrastructure in the area
- loss of valuable green space
- could increase the risk of flooding
- local infrastructure is inadequate to support the development
- Ansty has suffered several power cuts and this would make the situation worse
- application is premature as the site is not allocated for development in the current local plan
- Ansty is a tier 4 settlement with limited services and is not suitable for growth of this scale
- visibility splays are inadequate to serve the development
- not clear who would pay the costs of repair to Upton Drive and Marwick Close from construction

- would be a looming development because site is on higher ground
- proposal is contrary to the development plan
- will have an adverse impact on the setting of the High Weald National Landscape
- parking spaces next to 4 Marwick Close will adversely affect their amenities
- shared surface will be dangerous because of the intensification in vehicle movements
- speed limit regularly exceeded on Boney Road now
- existing roadway was never designed to serve more than the 20 consented dwellings that exist
- legal rights of access don't exist for third parties such as pedestrians coming from the public right of way connection to the south nor from the footpath connection being provided to the site to the east DPA16
- water supply is already under strain
- opportunities to cycle are limited

22 letters of support:

- need more family sized homes in the parish
- family and friends are priced out of or are unable to find suitable properties locally
- development would allow people to stay close to their families rather than being forced to move away-would be a benefit to Ansty
- logical extension to the village
- houses next to the site are a relatively recent addition to the village
- road network and junctions in this area to be relatively calm compared to many rural locations
- appeals have been dismissed for similar unsustainable developments elsewhere in the country

Amended Plans:

25 letters of objection: previous comments as above all still stand

- footpath will result in a loss of trees
- It appears that the planning department is working very co-operatively with the applicant for a development of this scale, giving them numerous opportunities to amend their application, prior to a decision, or before being put before a planning committee.

12 letters of support:

- welcome the amendments to the proposal

- previous comments as above all still stand

5.0 Summary of Consultees (full comments on file)

WSCC Planning (Infrastructure)

Requires infrastructure contributions.

WSCC Local Lead Flood Authority

No objection subject to conditions.

Local Highway Authority

The LHA would be satisfied there would not be a 'Severe' impact in line with TR6 paragraph 4 of the latest National Planning Policy Framework (NPPF), subject to conditions.

WSCC Public Rights of Way Officer

Would like assurances and clarification that the footpath ANS-70CR on the southern edge of the boundary is opened up again along its legal line, as currently overgrown with vegetation, to sufficient width and ideally resurfaced as part of the development.

WSCC Fire and Rescue Service

Requests conditions to secure fire hydrants.

West Sussex County Council, Waste and Minerals

No comment.

West Sussex Clinical Commissioning Group

Require an infrastructure contribution.

Southern Water

No objection subject to condition.

Ecological Consultant

No objection subject to conditions.

Nature Space (Great Crested Newts)

Recommend the use of a Precautionary Working Methods Statement secured by condition

Landscape Consultant

If minded for approval, recommend conditions regarding landscaping and landscape management plan

Environmental Health Officer

No objection subject to conditions.

Housing Enabling Team Manager

I support the proposal subject to the required tenure split.

Tree Officer

I do not object, subject to the planting of replacement trees. If permission is granted, full details are required of suitable replacement trees in the footpath area, as well as a fully detailed landscaping plan.

Section 106 & Infrastructure Manager

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

NHS

To be reported

Architect/Urban Designer

This scheme was previously consulted and many of the recommendations have been successfully incorporated into the revised proposal. The revisions have addressed my previous concerns. Recommend conditions regarding details of materials, landscaping, sustainability measures and boundary treatment.

Conservation Officer

Proposal will result in less than substantial harm to several heritage assets.

6.0 Ansty and Staplefield Parish Council Observations

Original Plans

Council have no objection to this application, however, are concerned about highways and would like to request provisions be put in place to make it safer.

Amended plans

No objections.

7.0 Introduction

- 7.1 This application seeks full planning permission for the erection of 33 new homes with access from Marwick Close, vehicle and cycle parking, landscaping, drainage, and associated infrastructure and highway works.

8.0 Relevant Planning History

- 8.1 There are no previous applications on the site of direct relevance to this application.

9.0 Site and Surroundings

- 9.1 The site of the application is an irregularly shaped parcel of land, on the southern side of Bolney Road, to the west of the built-up area of Ansty. The site comprises a single field that is laid to grass.
- 9.2 To the northwest, the boundary of the site is marked by trees and hedging. Beyond this is the A272, Bolney Road, which is at a lower level than the site. On the opposite side of the road is ribbon residential development. The southern boundary of the site is marked by trees and hedging. There is a public right of way that runs east/west along the southern boundary. Beyond this to the south are open fields.
- 9.3 To the northeast are the relatively new dwellings on Marwick Close and Upton Drive (20 in total). To the east the boundary is marked by trees and hedging, with an open field beyond.

This field to the west is proposed to be allocated for 30 dwellings under policy DPA16 in the Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19).

- 9.4 In terms of planning policy, the site is within the countryside as defined in the Mid Sussex District Plan. The site is proposed to be allocated for residential development under policy DPA17 in the Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19). This was originally proposed to be 45 dwellings but is now proposed to be 40 dwellings under the Main Modifications to the Submission Draft Plan.

10.0 Application Details

- 10.1 This application seeks full planning permission for the erection of 33 new homes with access from Marwick Close, vehicle and cycle parking, landscaping, drainage, and associated infrastructure and highway works.
- 10.2 The plans show that the development would be accessed from Marwick Close. The site would be laid out with the internal road providing a loop around the site. Dwellings would be positioned on the northwestern side of the site, facing outwards towards the Bolney Road. On the southern and eastern sides of the site, dwellings would be positioned on both sides of the access road, with rear gardens of the new houses facing towards the south and east.
- 10.3 The public right of way (PROW) would remain to the south of the site and there would be a link to this from the access road within the site.
- 10.4 The plans also show a new pedestrian link from the site down to Bolney Road. A new section of footway would be provided on the southern side of Bolney Road, which would join Upton Drive. The new section of footway would then continue eastwards on the southern side of Bolney Road and would tie into the existing footpath, which currently terminates by the bus stop.
- 10.5 The scheme would provide the following accommodation.

Affordable housing

1 x 2 bed flat

2 x 2 bed maisonette

5 x 2 bed house

2 x 3 bed house

10 affordable housing units in total

Market housing

4 x 2 bed house

17 x 3 bed house

2 x 4 bed house

23 market housing units in total

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 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).

11.6 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.

11.7 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.

11.8 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.

11.9 The following list of policies are relevant in the determination of this application.

11.10 **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

DP15 New Homes in the Countryside

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

DP37 Trees, Woodland and Hedgerows

DP38 Biodiversity

DP39 Sustainable Design and Construction

DP41 Flood Risk and Drainage

DP42 Water Infrastructure and the Water Environment

11.11 **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

11.12 **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

11.13 **Other Legislation**

Countryside and Rights of Way Act (CRoW) 2000

Planning (Listed Buildings and Conservation Areas) Act 1990

11.14 **Other Material Considerations**

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

11.16 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 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. 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.

- 11.17 The site of this application is proposed to be allocated for development under policy DPA17 in the Submission Draft District Plan. Policy DPA17 refers to the site as Land to the west of Marwick Close, Bolney Road, Ansty, and proposes to allocate the site for 45 dwellings. The Main Modifications that the Council is consulting on proposes reducing the yield from the site to 40 dwellings, with the remainder of the policy being unchanged. The policy refers to the following being provided on site:

- Natural, semi-natural and amenity green space

The policy refers to financial contributions towards the provision of:

- Sustainable Transport
- Improvements at Haywards Heath Station
- Education
- Library
- Community buildings
- Local Community Infrastructure
- Health
- Play area
- Other outdoor provision
- Outdoor sports
- Parks and Gardens

The policy also refers to the following requirements:

1. Provide suitable access from Upton Drive and Marwick Close.
2. Retain and enhance the trees and retain the ground levels along the A272 Bolney Road which forms the western boundary of the site.
3. Particular attention should be given to trees and hedgerows on the southern boundary adjacent to the PRow and in the southwest of the site.
4. Maintain the rural character of the PRow on the southern boundary of the site.
5. The layout of the site should take into account the location of the trees and allow for their future retention and to prevent overshadowing into private gardens.
6. The design and layout of the site should reflect a transition from the built environment to the rural countryside.

7. The design and layout of the site should reflect the rural character of the settlement and avoid being urban or suburban in character.
8. Integrate development with the site to the east (DPA16) by providing pedestrian and cycling connections and green infrastructure connectivity.
9. Provide good acoustic design to address noise impacts associated with the A272 Bolney Road.
10. Meet the requirements of other relevant development plan policies.

11.18 Other relevant policies in the Submission Draft District Plan:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPS4 - Flood Risk and Drainage

DPN2 - Biodiversity Net Gain

DPN4 - Trees, Woodland, and Hedgerows

DPN6 - Pollution

DPN7 - Noise Impacts

DPN9 – Air Quality

DPC1 - Protection and Enhancement of the Countryside

DPC3 - New Homes in the Countryside

DPC6 – Ashdown Forest SPA and SAC

DPB1 - Character and Design

DPT1 - Placemaking and Connectivity

DPT3 - Active and Sustainable Travel

DPT4 - Parking and Electric Vehicle Charging Infrastructure

DPH1 – Housing

DPH2 – Sustainable Development – Outside the Built-up Area

DPH7 – Housing Mix

DPH8 - Affordable Housing

DPH9 – First Homes

DPH11 - Dwelling Space Standards

DPH12 - Accessibility

DPI1 – Infrastructure Provision

DPI1 – Planning Obligations

- 11.19 Position Statement 1: Delivering Sustainable Development in Mid Sussex
- 11.20 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.
- 11.21 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 DPA17 refers). It should be noted that this proposal is for a quantum of development that is less than is referred to in policy DPA17.
- 11.22 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.
- 11.23 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
- 11.24 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.

11.25 Mid Sussex Design Guide Supplementary Planning Document (SPD)

11.26 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.

11.27 Affordable Housing Supplementary Planning Document (SPD)

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

11.29 **National Planning Policy Framework (NPPF) (August 2026)**

11.30 The National Planning Policy Framework sets out the government's policies for plan-making and for making decisions on development proposals in England. It is a material consideration of critical importance in both contexts. The policies in this Framework are material considerations which must be taken into account in decision-making from the day of its publication. Annex A of the NPPF states *'Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in this Framework should be given very limited weight. The only exception to this is where they have been examined and adopted or made against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework.'*

11.31 Policy S3 of the NPPF relates to the presumption in favour of sustainable development and states:

'1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

a. Policy S4 in this Framework should be applied when considering development proposals within settlements;

b. Outside settlements, policy S5 should be applied; and

c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.'

11.32 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
- 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 Ansty 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 therefore 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 As set out in paragraph 11.30 of this report, policies in the Development Plan that are materially inconsistent with the NPPF should be given very limited weight. Policies DP4 (Housing), DP6 (Settlement Hierarchy) and DP12 (Countryside) are relevant to this application. These policies are materially inconsistent with the NPPF and therefore should be accorded very limited weight. Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. This policy is consistent with the NPPF and can be given full weight. Policy AS1 in the ASNP is materially inconsistent with the NPPF and therefore should be accorded very limited weight.
- 12.13 The presumption in favour of sustainable development is set out in Policy S3 in the NPPF, which states that decisions on development proposals should apply a presumption in favour of sustainable development. This means:
- '1. Policy S4 in this Framework should be applied when considering development proposals within settlements;*
2. Outside settlements, policy S5 should be applied; and
3. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in the Framework should be approved without delay.'
- 12.14 For development proposals outside of settlements, national decision-making policy S5 in the NPPF states *'Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.'*
- 12.15 It then goes on to list those types of development that should be approved outside settlements. One of the types of development that is referred to is housing, with policy S5(1j) stating:
- 'Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:*
- i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure;'*
- 12.16 Paragraph 2 of policy S5 states that *'In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.'*

- 12.17 Having regard to the above, while the Council has performed excellently in respect of housing delivery, the most up-to-date local housing need figure generated through the standard method exceeds the housing requirement contained within the adopted District Plan. As a consequence, and having regard to the requirement to apply the appropriate buffer, the Council is unable to demonstrate a five-year supply of deliverable housing sites. Therefore, in accordance with NPPF Policy S5 (1j), development which addresses an evidenced unmet need and would be physically well-related to an existing settlement should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national-decision making policies in 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 set out in NPPF Policy S3. Where development accords with the relevant provisions of Policy S5, this weighs strongly in favour of granting planning permission. The Local Planning Authority (LPA) must undertake an overall planning balance, assessing the benefits of the proposal against any adverse effects having regard to the national decision-making policies contained within the Framework as a whole. 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.
- 12.19 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.
- 12.20 **Transport matters**
- 12.21 Policy DP21 in the MSDP relates to transport matters. Policy DP21 in the MSDP is materially inconsistent with the NPPF and therefore should be accorded very limited weight. It is considered that national decision-making policies TR3 (Locating development in sustainable locations), TR4 (Street design, access and parking) and TR6 (Assessing transport impacts) should be the policies that are given greater weight in the assessment of this application.
- 12.22 NPPF policy TR3 states:
- ‘1. So that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure, development proposals should reflect the following principles, taking into account the vision for the site, the type of development and its location:*
- a. Development proposals which could generate a significant amount of movement, in the context of the area within which they would be situated, should be in locations that are sustainable (or which can be made so, taking into account planned improvements, including any provided for as part of the development itself). This means the location should limit the need to travel, particularly by private car, and offer a genuine choice of transport modes for residents and users, unless the nature of the development would make this impractical;*
- b. Opportunities should be taken to utilise existing or proposed transport infrastructure in optimising the amount or density of development which can be accommodated in different locations, especially where this can support more walking, wheeling, cycling and public transport use;*

c. Any significant adverse impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be mitigated to an acceptable degree using a vision-led approach;

d. The environmental impacts of traffic and transport infrastructure should be identified, assessed and taken into account – including taking opportunities to avoid or mitigate any adverse environmental effects, and to secure net environmental gains such as reductions in air pollution; and

e. In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.

2. The Connectivity Tool (Connectivity Tool - GOV.UK) should be used alongside other relevant quantitative or qualitative evidence in assessing the connectivity of particular locations proposed for development.'

12.23 NPPF policy TR6 states in part:

'Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.'

12.24 Policy DPA17 of the Submission Draft District Plan lists the following requirements in relation to transport:

1. Provide suitable access from Upton Drive and Marwick Close.

8. Integrate development with the site to the east (DPA16) by providing pedestrian and cycling connections and green infrastructure connectivity.

12.25 Although, for the reasons set out in paragraph 11.17 of this report, policy DPA17 has limited weight, this list remains helpful in identifying the site-specific requirements which are necessary in order to satisfy policy TR6 of the NPPF.

12.26 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.

12.27 Access arrangements and offsite works

12.28 The development would use the existing junction at Upton Drive onto the Bolney Road. The Local Highway Authority (LHA) have reviewed the applicants' submissions and the detailed representations that have been received that objected to the application on highways grounds. With regards to the access onto Bolney Road, the LHA has stated that *'The access to the proposed development as shown meets the requirements for visibility and it has been demonstrated previously the access strategy works in principle and it is acknowledged that the access point on the A272 has previously been accepted by the LHA.'*

12.29 With regards to the footway that is now proposed alongside the Bolney Road, the LHA state *'The application now includes the provision of a new footway which will be 1.5m wide, along the southern side of Bolney Road. This is sufficient to accommodate a wheelchair user*

passing a pedestrian. Double height kerbing is proposed along the carriageway edge with a 2.5% cross fall and treated timber edging at the back of the footway. This footway will link to the existing southbound bus stop and existing footway provision to the north with dropped kerbs and tactile paving provided at the Upton Drive junction. The LHA would be satisfied that the comments previously raised have been addressed. The pedestrian footway would be delivered through a Section 278 Agreement with the LHA.'

- 12.30 The LHA has not raised objections in relation to the proposed footway. It is considered that the proposed footway will provide a useful option for prospective occupiers of the new development to walk from the site to the bus stop to the east. Concerns have been raised about the width of this footpath, with reference being made to the guidance from Active Travel England, which advises that walking routes should be at least 2m wide. Whilst this guidance is noted, there is not a fixed standard in policy DP21 in the MSDP or policies within the NPPF that sets out a minimum width for a pavement. In your Planning Officers view, it is appropriate to look at the guidance with a degree of flexibility, having regard to both the likely use of the pavement and the existing provision in the area. Your Planning Officer considers that this point is reflected in policy TR3 of the NPPF, which states in part that *'In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.'* This acknowledges the fact that it is likely to be the case that in rural areas there will not be the same opportunities to make a development as sustainable in transport terms in comparison to a development within a larger settlement.
- 12.31 In this case, the development is for 33 dwellings, and this is not considered to be likely to generate a significant pedestrian footfall. The existing pavements in the vicinity of the site are not 2m in width for their entirety.
- 12.32 Concerns have been raised about the impact of the proposed development on the capacity of the wider road network, and its impact on Marwick Close and Upton Drive
- 12.33 With regards to pedestrian safety, a section of Marwick Close and Upton Drive, some 62m in length, will operate as shared surface serving the existing houses on the cul-de-sac and the proposed development. Manual for Streets (MfS) states that shared surface streets are likely to work well:
- in short lengths, or where they form cul-de-sacs;
 - where the volume of motor traffic is below 100 vehicles per hour (vph) (peak)
- 12.34 It is considered the proposal complies with the above guidance in MfS. Given the geometry of the road, vehicle speeds will be low. There are no objections to this element of the scheme from the LHA, and it is considered that this element of the scheme is satisfactory in relation to highway and pedestrian safety. The loop road within the development will also operate as a shared surface. Given the short lengths of the road and their geometry, it is considered that this will operate satisfactorily as a shared surface.
- 12.35 Impact on highway network
- 12.36 In terms of the capacity of the highway network, as originally submitted with 34 dwellings, the applicants Transport Statement used the TRICS database to forecast vehicular movements from the development. TRICS is an accepted means of determining traffic generation. The development is predicted to generate 17 AM peak two-way vehicle trips and 15 PM peak two-way vehicle trips. This equates to around 1 additional vehicle every 5

minutes on the local network. The LHA stated, *'there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site.'* Your Planning Officer has no reason to disagree with this assessment.

- 12.37 In light of the above it is not considered that the proposed development would result in a severe impact on the highway network, including on Upton Drive and Marwick Close, which would justify a refusal of planning permission.

12.38 Sustainable Transport

- 12.39 In terms of physical development, the scheme proposes a new footway from the site, running alongside the Bolney Road, to link up with the existing footway by the bus stop. The scheme would also link to the PROW to the south. There is a continuous footway from the village to Cuckfield to the north, which is some 1.8km away, although it is acknowledged that this is narrow in many sections. The site is close to a bus stop, with the main service being the no. 89 which serves Haywards Heath and Horsham. The plans also show a footway linking to the site to the east, which is proposed to be allocated for a residential development of 30 dwellings under policy DPA16 in the Submission Draft District Plan.
- 12.40 Concerns have been raised regarding the accessibility of the site for services, with reference being made to the fact that the site is classified as a Category 4 settlement in the MSDP, (small villages with limited services often only serving the settlement itself).
- 12.41 Policy TR3 in the NPPF states in part *'In rural areas, opportunities to improve walking, wheeling, cycling and public transport and enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.'* It is considered that the footway improvements accord with the aim of NPPF policy TR3. It is acknowledged that as a rural village, the site is not as accessible as higher tier settlements. Nonetheless, it is considered that for a rural village, there is an acceptable level of alternatives to the private car with bus stops in close proximity to the site.

12.42 Car and Cycle Parking

- 12.43 The scheme provides 66 car parking spaces on drives and a flat above a garage (FOG), 4 garage spaces and 7 visitor spaces. Cycle parking will be provided in accordance with WSCC Guidance and will be located in secure, covered locations, such as garages or sheds. It is considered that the level of car and cycle parking proposed is satisfactory.

12.44 Construction stage

- 12.45 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.
- 12.46 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. 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.
- 12.47 Concerns have also been raised regarding the legal right of the applicants to use Upton Drive and Marwick Close and about potential damage to the road. As Upton Drive and

Marwick Close are not adopted roads, it is considered that these are private matters that sit outside the planning system.

12.48 Transport Conclusions

- 12.49 The test in the NPPF that *'development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement'* is a high bar. It is considered that the applicants have demonstrated that a satisfactory vehicular access can be formed into the site. 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.
- 12.50 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, it is considered that there are no sustainable reasons to resist the application on highways grounds.

12.51 **Landscape Impacts**

- 12.52 Policy DPA17 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:
2. Retain and enhance the trees and retain the ground levels along the A272 Bolney Road which forms the western boundary of the site.
 3. Particular attention should be given to trees and hedgerows on the southern boundary adjacent to the PRow and in the southwest of the site.
 4. Maintain the rural character of the PRow on the southern boundary of the site.
 5. The layout of the site should take into account the location of the trees and allow for their future retention and to prevent overshadowing into private gardens.
 6. The design and layout of the site should reflect a transition from the built environment to the rural countryside.
 7. The design and layout of the site should reflect the rural character of the settlement and avoid being urban or suburban in character.
- 12.53 Policy DP12 in the MSDP seeks to protect the countryside in recognition of its intrinsic character and beauty with development being permitted provided it maintains or where possible enhances the quality of the rural and landscape character of the district, 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.
- 12.54 It is considered that policy DP12 is materially inconsistent with the NPPF and should be afforded very limited weight. Greater weight should be afforded to national decision-making policy N2 in the NPPF, which relates to improving the natural environment. Part 1a requires proposals to contribute positively to the natural environment and to *'Consider the environmental qualities of land proposed for development, including habitats, landscape*

character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced’.

- 12.55 The application has been supported by a Landscape and Visual Appraisal (LVIA). 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. In summary, the LVIA concludes that *‘there will be minor adverse localised effects on landscape character in the short term as a result of the change in use from the existing open field to residential development, reducing to negligible over time as the landscape setting to the development matures. The important boundary features and the woodland in the south western parts of the Site would be largely retained and enhanced through further planting and management, creating a strong landscape setting to the development.*

With regard to visual amenity, the Site benefits from a high level of visual enclosure. Views are restricted to glimpsed or partial near views through boundary vegetation on the southern boundary and from Marwick Close. Some vegetation clearance would be necessary to re-establish the path alignment on the short section of Footpath 70CR within the Site, but it is anticipated that retained vegetation supplemented by infill hedge planting between the path and the proposed development would provide visual separation.

This assessment concludes that there would be no effects on the setting to the High Weald National Landscape as a consequence of the proposed development.’

- 12.56 The LVIA has been assessed by the Councils Landscape Consultant, whose full comments are on file. The Councils Landscape Consultant stated in relation to the original proposal, *‘Overall, we judge that there is capacity for development within this site, owed to its general sense of enclosure and clearly defined vegetated boundaries, and proximity to the edge of Ansty.’* Following the amendments to the scheme the Councils Landscape Consultant advised that they welcomed the amendments, including the additional PRoW connection to the south of the site and the housing orientation overlooking the PRoW
- 12.57 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).
- 12.58 Whilst policy DPA17 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 DPA17.
- 12.59 For the reasons set out in paragraph 12.12 of this report, the weight that can be afforded to policy DP12 is very limited. 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. It is your Planning Officer’s view that given the very limited 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. Considering the quality of the land and its landscape character, it is your Planning Officers view that policy N2 of the NPPF does not

provide a reason to refuse the scheme. The land is not nationally designated (it is not within the National Landscape, formally known as the High Weald Area of Outstanding Natural Beauty) and it is considered that the adverse impacts from the change from an agricultural field to a housing development would be limited to the local level due to the good sense of enclosure around the site

12.60 **Agricultural land**

12.61 Policy DP12 of the MSDP states in part that agricultural land of Grade 3a and above will be protected from non-agricultural development and where significant development of agricultural land is demonstrated to be necessary, field surveys should be undertaken and proposals should seek to use areas of poorer quality of land in preference to that of higher quality. As policy DP12 is materially inconsistent with the NPPF it should be afforded very limited weight, with greater weight afforded to policy N2 in the NPPF. Part 1b of policy N2 in the NPPF states development proposals should *'Take into account the quality of agricultural land (including that classified as best and most versatile agricultural land, and its grade), and if significant development of agricultural land is necessary, use areas of poorer quality land where possible;'*

12.62 In this case, the proposed quantum of development is not considered to be significant with regards to the use of agricultural land. As such, there is no conflict with policy N2 in respect of this matter.

12.63 **Heritage Assets**

12.64 The 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'*.

12.65 Policy DP34 of the MSDP relates to Listed Buildings and other heritage assets. It is considered that policy DP34 is materially inconsistent with the NPPF and therefore should be given very limited weight. It is considered that national decision-making policies HE4 (Securing the conservation of heritage assets), HE5 (Assessing effects on heritage assets) and HE6 (Proposals affecting designated heritage assets) should be the policies that are given greater weight in the assessment of this application.

12.66 Policy HE6 states in part:

'4. Where a development proposal would harm the significance of a designated heritage asset the effect on the asset and its significance should be weighed against any public benefits resulting from the proposal. Important public benefits can include securing the long-term reuse of a vacant or underused listed building, and enabling energy efficiency and low carbon heating measures to be employed.

5. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss, or if all of the following apply:

- a. The nature of the heritage asset would otherwise prevent all reasonable uses of the site;*
- b. No suitable use for the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*

- c. Conservation by grant-funding or some form of not for profit, charitable or public ownership is not possible; and
- d. The harm or loss is outweighed by the benefit of bringing the asset back into use.

6. Within this context, development which would cause substantial harm to, or the total loss of, the significance of grade II listed buildings, or grade II registered parks or gardens, should be exceptional; while development which would cause substantial harm to, or the total loss of, 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.'

12.67 Designated Heritage Assets (DHA)

12.68 The Ancient Farm

12.69 The Ancient Farm, Bolney Road is a Grade II listed 17th century or earlier building. It is likely to possess architectural value based on its construction and craftsmanship, historical illustrative value as a good example of a rural Sussex farmhouse, and aesthetic value based in part on the use of vernacular materials. It also has group value with Barn Cottage. As a former farmhouse, the surviving rural aspects of its wider setting will be considered to contribute positively to its special interest, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values.

12.70 In relation to The Ancient Farm, the Councils Conservation Officer states '*The house is now separated from the site by the modern housing development at Marwick Close, but the site continues to form part of the wider context within which the listed building is appreciated and is the closest surviving element of its originally rural setting. In particular, it influences the character of the approach to the building along Bolney Road. This positive contribution to the special interest of the listed building is enhanced by the historical relationship of function which has been identified in the heritage addendum; the site is part of the former farmlands of the Ancient Farm.*

The proposed development on the site will have a fundamental impact on its character, which will change from that of an agricultural field to a suburban enclave. This will remove and reverse the positive contribution which the site currently makes, through setting, to the significance of Ancient Farm. This impact will be cumulative with the existing recent development at Marwick Close and will be particularly noticeable in terms of the character of the approach to the listed building along Bolney Road, and in the degree of separation between the former farmhouse and any surviving aspect of the surrounding historically rural landscape.

I would place the harm caused as less than substantial, at the low-mid end of that scale.'

12.71 2 Old Cottage

12.72 2 Old Cottage is a Grade II listed 17th century or earlier timber framed cottage located just to the east of the Ancient Farm. The Conservation Officer considers it likely that the Cottage will possess architectural interest based on its construction and craftsmanship, historical illustrative value as a good example of a modest, rural Sussex cottage, and aesthetic value which may be based in part on the use of vernacular materials. As such, the surviving rural character of the wider rural setting of the listed building will be considered to contribute positively to its special interest, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values.

12.73 The Conservation Officer states that *'Although it is highly unlikely that there will be intervisibility between the site and this listed building, as with The Ancient Farm it contributes positively to the rural character of the wider setting of the building, in particular the character of the approach to it along Bolney Road. The proposed development will remove and reverse that contribution, resulting in a low level of less than substantial harm.'*

12.74 Butlers Farm

12.75 Butlers Farm, Bolney Road is a Grade II listed former farmhouse, which dates from the list description from the 15th century. The Conservation Officer states *'The proposed development site lies a short distance to the east of the farmstead and forms a significant part of the surviving rural setting to this side of the farm buildings. Although separated by a further field and tree and hedgerow planting, it is possible there may be some intervisibility between the two, particularly in winter. The site also contributes strongly to the character of the approach to the farmstead from the east along Bolney Road, and to the sense of separation of the former farm from the spread of Ansty village. The site therefore contributes positively to the setting and special interest of Butler's Farm.'*

The proposed development on the site will remove and reverse this positive contribution, resulting in a low-mid level of less than substantial harm, through impact on setting, to the special interest of the listed farmhouse and any surviving curtilage listed farm buildings.'

12.76 Mount Noddy

12.77 Mount Noddy is a Grade II listed 18th century or earlier cottage located to the eastern side of Cuckfield Road, a short distance to the east of the site. The building will be considered to possess architectural interest based on its construction and craftsmanship, historical illustrative value as a good example of a modest rural Sussex cottage of its period, and aesthetic value based in part on the use of vernacular materials viewed from within the landscape from which they were drawn.

12.78 The Conservation Officer states *'The surviving rural setting of the building, which is to the east, south, and west of the cottage, makes a strong positive contribution to its special interest and the manner in which this is appreciated, in particular those parts of that interest which are drawn from historical illustrative and aesthetic values. The application site is part of the wider rural setting of the cottage to the east, and in particular has an influence on the character of the approach to the listed building along a public right of way which runs between Bolney Road and Cuckfield Road, emerging opposite the cottage. This path skirts along the southern edge of the site.'*

The proposed development will remove and reverse the positive contribution currently made by the site, through setting, to the special interest of Mount Noddy, resulting in a low level of less than substantial harm.'

12.79 Non-designated Heritage Asset

12.80 Barn Cottage, Cuckfield Road, which is to the southeast of The Ancient Farm, is considered to be a non-designated heritage asset (NDHA). The Conservation Officer notes that *'as part of that historic farmstead it will enjoy the same historical relationship of function with the site as the listed farmhouse, and it also has a broadly similar physical relationship in terms of the contribution of the site to the character of the approach to the building along Cuckfield Road'* and concludes that *'Based on the limited information available, I would place the harm caused by the proposal to Barn Cottage as low-mid, to an asset of possibly a mid-level of interest within the local context.'*

12.81 Assessment of Heritage Impacts

12.82 Your Planning Officer agrees that there would be some harm to the setting of these heritage assets. In respect of The Ancient Farm, Barn Cottage, 2 Old Cottage and Mount Noddy Cottage, due to the intervening development, your Planning Officer considers that the harm to these heritage assets is not 'substantial' as defined in the NPPF. In respect of Butlers Farm, your Planning Officer considers that due to the separation distances and the existing ribbon development along Bolney Road, the harm to this heritage asset is not substantial.

12.83 Where a finding of harm is found in relation to designated heritage assets, policy HE6 of the NPPF requires that this harm should be weighed against the public benefits of the proposal. In respect of non-designated heritage assets, policy HE7 of the NPPF requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. 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.

12.84 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 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 policy DP34 of the MSDP because there will be harm (classified as not 'substantial' under the NPPF) and this weighs against the scheme, the NPPF is an important material planning consideration and in the balance between the harm and the public benefits of the proposal, it is considered the public benefits do outweigh this harm.

12.85 Design/layout/housing mix, sustainability

12.86 Design/layout

12.87 Policy DP26 in the MSDP seeks to ensure a high standard of design in new development. It is considered that policy DP26 is materially inconsistent with the NPPF and therefore should be given very limited weight. It is considered that national decision making policies L2 (making effective use of land), DP3 (Key principles for well-designed places), DP4 (The design process), TR4 (Street design, access and parking) and P3 (Living conditions and pollution) should be the policies that are given greater weight in the assessment of this application.

12.88 Section 4 of the Councils Design Guide SPD concentrates on site layout, streets and spaces and sets out that well-designed streets and public spaces can contribute significantly to the success of places (in this a development site) and to the sustainability agenda - streets and spaces should be laid out to support both well-being and environmentally friendly transport.

12.89 The layout is based on a perimeter block arrangement, which allow the buildings to face out onto the street to properly enclose the space and provide good street frontages. This layout also allows a traditional back-to-back arrangement for the houses, so the rear gardens are

well enclosed. The houses on the edge of the permitter blocks have their front elevations facing the street, thereby providing good passive surveillance.

12.90 The scheme has been amended to seek to improve the relationship of the development with the PROW to the south. The revised plans now show a shorter length (some 44m) of the PROW that would have rear gardens facing towards it. Whilst this is not ideal, given the irregular shape of the site and the need to provide good quality street within the development, it is considered that this arrangement will be satisfactory. The PROW is straight at this point so there will be good surveillance east/west on the PROW. The ground floor of plot 7 would have a dual aspect living/dining room, which would provide passive surveillance to the eastern end of the PROW. At the western end of the site, plot 14 would have a similar arrangement to provide passive surveillance of the PROW. Soft landscaping can be secured by condition to help soften the rear boundaries of plots 8 to 12.

12.91 The Council's Urban Designer has advised that the revised scheme has now addressed her previous concerns and has recommended conditions to cover points of detail, such as materials and landscaping. Your Planning Officer agrees and considers that overall, the proposed layout is well designed and accords with the guidance in the Council's Design Guide SPD, development plan policy and national design policy DP3 in the NPPF.

12.92 Quantum of Development

12.93 The number of dwellings proposed is less than the site is proposed to be allocated for. The Main Modifications now refer to the site proposed to be allocated for 40 dwellings. National policy seeks to make efficient use of sites. In this case, whilst the number of units proposed is fewer than the site is proposed to be allocated for, it is your Planning Officers view that the proposal is not making an inefficient use of the site. The site is irregularly shaped with trees in the southwestern corner that are to be retained. This reduces the developable area of the site. As such it is not considered that the reduction in the yield from the proposed allocation would justify a refusal of planning permission, particularly given the point that the proposed allocation has limited weight at present.

12.94 Standard of Accommodation and Accessibility

12.95 Policy DP27 of the MSDP deals with dwelling spaces standards. The proposed development would accord with the national dwelling space standards, thereby according with policy DP27 of the MSDP.

12.96 The applicants have stated that the dwellings have been designed to comply with Approved Document Part M of the Building Regulations (2004) and the requirements of the Equality Act (2010). As (M4(2) compliant homes these are capable of future adaptability and conversion as occupancy needs dictate. A planning condition can be used to require compliance with the above requirements in accordance with policy DP28 of the MSDP.

12.97 Sustainable Design

12.98 Policy DP39 of the MSDP relates to sustainable design and construction. This policy is considered to be materially inconsistent with national decision-making policies in the Framework and should be given very limited weight. Policy CC2 of the NPPF relates to the mitigation of climate change. It sets out the requirements for proposal in order to contribute to climate change mitigation and the transition to net zero. This includes the prioritisation of sustainable patterns of movement and the use of design approaches to conserve energy and other resources. Greater weight should be afforded to policy CC2 in the NPPF.

- 12.99 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.
- 12.100 The applicants Energy and Sustainability Statement advises that they intend to adopt a fabric first approach to make the dwellings thermally efficient to reduce energy demand. The statement advises that photovoltaic (PV) systems have the potential to deliver an approximate total 25% reduction in regulated emissions, while air source heat pumps (ASHPs) offer a significantly higher reduction of around 60%. It is therefore proposed that ASHP shall be used to provide the heating and hot water in the development.
- 12.101 With regards to water consumption, the applicants statement refers to various measures to reduce water consumption and advises that using the Building Regulations Approved Document G Calculator, the water consumption has been calculated for the dwellings as 87.95 litres/person/day.
- 12.102 The detail of the proposed ASHP can be controlled by a planning condition. In light of the above, it is considered that the proposal complies with policy CC2 of the NPPF.
- 12.103 Affordable housing and housing mix
- 12.104 Housing Mix
- 12.105 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.
- 12.106 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.'*
- 12.107 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.
- 12.108 The scheme provides 12 x 2 bed units (36%), 19 x 3 bed units (58%) and 2 x 4 bed units (6%). It is considered that this is a satisfactory mix that complies with policy DP30 of the MSDP and policy AS4 in the ASNP.
- 12.109 Affordable Housing
- 12.110 Policy DP31 in the District Plan seeks to secure 30% affordable housing on sites such as this. The application provides 10 affordable units, which meets the policy requirement.

Whilst the affordable units are grouped together at the northern corner of the site, the affordable housing SDP refers to clusters of affordable housing being limited to no more than 10 units. The proposal would comply with this guidance and as the external elevation of the units would be tenure blind, there are no grounds to resist the application on this matter.

- 12.111 The Councils Housing Officer has advised that the affordable housing mix currently proposed is acceptable and that he supports the scheme. In respect of the tenure of the units he states *'The affordable housing provided will need to be split 25% Shared Ownership (3 units) and 75% Social Rented or Affordable Rented housing (7 units). I acknowledge that the applicant has stated that they have had some interest from Registered Providers solely for the rented units. We would still require the 3 Shared Ownership units to be marketed as such, and I will be happy to work with them to secure a partner that delivers Shared Ownership units. If this is not successful, these three units would need to be sold as First Homes and not discounted market sale. This is to provide continuity in provision of low cost home ownership options across all our sites providing both rented and low cost home ownership as the affordable housing.'*

The affordable housing mix currently proposed is acceptable. Whilst we would normally request a proportion of units be provided at 1 bed properties, I am happy with the provision on site being 2b/4p and 3p/5p properties.

Our requirement for car parking spaces and clustering is currently being adhered to.'

- 12.112 The provision of the affordable housing would be secured in the section 106 legal agreement. It is considered that the provision of a policy compliant level of affordable housing should be given significant positive weight in the planning balance.
- 12.113 Residential amenity
- 12.114 Policy DP26 in part seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. It is considered that this policy has very limited weight due to the publication of the NPPF and consideration should be given to policy P3 of the NPPF.
- 12.115 Policy P3 of the NPPF relates to living conditions and pollution. Part 2(b) of this policy requires proposals *'Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site'*.
- 12.116 Chapter 8 of the Mid Sussex Design Guide relates to residential amenity. Principle DG45 requires proposals to demonstrate how privacy would be achieved between new and existing developments. Principle DG46 requires attractive and useable external amenity space for all homes. Principle DG47 requires all dwellings to have sufficient daylight and sunlight where single aspect north facing flats should be avoided.
- 12.117 Plots 23 and 24 would be some 16m away from the side elevation of 4 Marwick Close. Whilst some overlooking would be possible from the first floor bedroom window at plot 23, given the distance involved it is not considered that this results in an unacceptable impact. It should also be noted that there is already some mutual overlooking in Marwick Close, which is to be expected for properties within a built-up area.
- 12.118 Concerns have been raised about the proposed car parking spaces that are adjacent to the side garden boundary of 4 Marwick Close. There is a fence along this boundary. It is

not unusual to have car parking spaces adjacent to garden boundaries (there is a car parking court adjacent to the rear garden of 2 Marwick Close) and it is not considered that this arrangement will result in an unacceptable impact.

- 12.119 In light of the above, it is considered that the proposal would not cause an unacceptable level on health and quality of life for neighbouring residents or occupiers and would not cause significant harm to the amenities of neighbouring properties. The proposal thereby complies with policy P3(2) of the NPPF and policy DP26 of the MSDP.

12.120 Conclusion on housing matters

- 12.121 It is considered that this is a good quality layout that makes good use of the site. The design of the buildings is appropriate for the area. The scheme provides a satisfactory mix of housing and a policy compliant level of affordable housing. It is considered that the impact from the development on the amenities of existing occupiers around the site will be acceptable. It is considered that the provision of additional housing, including affordable housing, should be afforded significant positive weight in the planning balance.

12.122 **Noise**

- 12.123 The layout of the site influences the environment for future occupiers in respect of noise. Policy DP29 in the MSDP seeks to protect the quality of people's lives from unacceptable levels of noise. It is considered that policy DP29 is materially inconsistent with the NPPF and should be afforded very limited weight, with greater weight being given to Policy P3 in the NPPF. This states in part that development proposals should *'Provide healthy living conditions for occupiers and users in terms of adequate access to light and avoiding exposure to levels of air, noise, artificial light or other sources of pollution which could have an unacceptable adverse effect on health and the quality of life.'* The main source of noise is traffic from the Bolney Road.
- 12.124 The submitted Noise Assessment has been reviewed by the Council's Environmental Health Officer (EHO). Whilst the EHO has raised some concerns, he has concluded that *'...the assessment confirms that standard thermal double glazing and standard acoustically treated passive vents are sufficient to achieve the required internal noise levels, including at the worst case plots overlooking Bolney Road. No enhanced glazing or mechanical ventilation is stated as necessary for noise control. As the report confirms that internal noise targets can be met with standard specification materials and that operable windows are technically achievable, no bespoke noise conditions appear to be required beyond the standard requirement to implement the mitigation identified in the submitted report.'* On this basis the EHO does not object to the application. Your Planning Officer has no reason to disagree with this assessment, and it is considered that policy DP29 in the MSDP and policy P3 in the NPPF would be met.

12.125 **Air quality**

- 12.126 Policy SA38 in the Site Allocations DPD seeks to ensure that development does not have an unacceptable impact on air quality. The application is supported by an Air Quality Assessment, which has been reviewed by the EHO. An Emissions Mitigation Assessment has been completed in accordance with the Air Quality and Emissions Mitigation Guidance for Sussex. The assessment identifies a required five year mitigation value of £5,396 for NOx and PM emissions. In line with the recommendation of the EHO, a condition is required to secure the specific mitigation measures proposed by the applicant and ensure they are implemented. With such a condition in place, policy SA38 would be met.

12.127 **Trees and Ecology**

12.128 Trees

- 12.129 Policy DP37 in the MSDP concerns trees, woodland and hedgerows. It is considered that policy DP37 is materially inconsistent with the NPPF and therefore should be given very limited weight. It is considered that national decision-making policies N6 (Areas of particular importance for biodiversity and geodiversity), N2 (Improving the natural environment) and N3 (New trees in development) should be the policies that are given greater weight in the assessment of this application. The NPPF states in policy N3 that development proposals should *'make new streets tree-lined (unless there are strong reasons why this would be inappropriate in specific streets), and incorporate trees in other suitable locations.'*
- 12.130 The application is accompanied by an Arboricultural Method Statement. The site is lined with mature trees along the western, southern and eastern boundaries, and a cluster of woodland is located to the south-west corner. None of the trees are covered by Tree Preservation Order (TPO). There are no ancient woodlands, veteran or ancient trees on the site or in the immediate locality.
- 12.131 The Arboricultural Method Statement identifies that one C category Oak tree would need to be removed, Group G8 and category U Group G13. The Oak is near the western boundary of the site, close to Group 8. Group 13 is on the southern boundary by the PROW. It is not considered that the loss of these trees will have any significant impact on the character of the area. Neither policy DP37 in the MSDP or the national decision-making policies referred to above in the NPPF have a prohibition on the removal of trees such as this.
- 12.132 The layout of the site has been designed to retain the mature trees in the southwestern corner of the site. This area would be an informal open space. There are no other trees within the field itself. Within the site, the submitted plans show new tree planting by the road and adjacent to the PROW. It is considered that this will help soften the development and would accord with the aims of policy N3 in the NPPF.
- 12.133 The proposed footway alongside Bolney Road would require the removal of specific trees within group G1 (Sycamore and Ash). Whilst the loss of any tree is regrettable, these trees are not high-quality specimens. It is your Planning Officers view that the character of this part of Bolney Road would remain as it is now, namely a road that is well enclosed by trees. The detail of the construction of the footpath can be controlled by a planning condition to ensure the retention of other trees along this northern boundary of the site. It is your Planning Officers view that the removal of these trees is acceptable.

12.134 Ecology

- 12.135 Policy DP38 in the MSDP seeks to ensure the biodiversity is protected and enhanced. It is considered that policy DP38 is materially inconsistent with the NPPF and therefore should be given very limited weight. It is considered that national decision-making policies N2 (Improving the natural environment) and N6 (Areas of particular importance for biodiversity and geodiversity).
- 12.136 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.

- 12.137 The application is supported by a Preliminary Ecology Appraisal (PEA) and Reptile Survey together with a Technical Response Note to issues raised by the Councils Ecological Consultant. The PEA notes that the site was largely comprised of species-poor grassland, which is common in the UK. Previous surveys on site have found relatively low numbers of common and widespread bats to be utilising the boundary habitats on site. These habitats will be retained and protected from the development. The development area, which comprised short-sward grassland was considered unlikely to support great crested newts (GCN) owing to the distance and poor suitability of the closest ponds. Previous surveys of the site in 2016 and 2022 found no evidence of reptiles or dormouse on site. As the habitat on site and in the surrounding area remains unchanged, it is considered that these species are still likely absent from site, and no further survey is required.
- 12.138 In response to queries from the Councils Ecological Consultant, the applicants have confirmed that the trees proposed to be removed have been subject to a ground based tree assessment for bats. They also confirm that dormouse surveys in 2022 and 2016 did not find any evidence of dormouse.
- 12.139 The Councils Ecological Consultant has assessed the information provided by the applicant and raises no objection to the application, subject to conditions. Your Planning Officer has no reason to disagree with the comments of the Councils Ecological Consultant on this matter.
- 12.140 With regards to GCN, the PEA has determined that the terrestrial habitat onsite is unsuitable for GCN and has used Habitat Suitability Index (HIS) scores on two waterbodies to rule them out from consideration. The Councils Consultants NatureSpace have advised that *'although it would not be proportionate in this instance to request surveys due to the lack of suitable habitat onsite, due to the lack of GCN information provided on nearby waterbodies, a precautionary approach would be required here. Therefore, I recommend the use of a Precautionary Working Methods Statement (PWMS).'* Your Planning Officer agrees with this approach.
- 12.141 It is therefore considered that with the suggested conditions in place the proposal would comply with policy DP38 in the MSDP and policies N2 and N6 of the NPPF.
- 12.142 Biodiversity Net Gain
- 12.143 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.
- 12.144 The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:
- ‘The condition is that the development may not be begun unless—
- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
- (b) the planning authority has approved the plan (see paragraph 15)’.

12.145 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.

12.146 The applicants supporting information for the original proposal of 34 dwellings advised that there would be a -1.76% net loss in habitat units and a +214.08% net gain in hedgerow units based on the current proposal. In order to offset the loss of woodland and achieve a +10% net-gain, 0.05 units of lowland mixed deciduous woodland and 0.74 units of any habitat type will be required from an offsite provider.

12.147 The statutory framework for biodiversity net gain has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. The biodiversity net gain condition will secure the required Habitat Management & Maintenance Plan (HMMP) for the long-term management of the proposed habitats. The section 106 legal agreement will need to secure the required fees for the monitoring of the on-site biodiversity net gain.

12.148 **Drainage**

12.149 Policy DP41 in the MSDP relates to drainage. It is considered that policy DP41 is materially inconsistent with the NPPF and therefore should be given very limited weight. It is considered that national decision-making policies CC3 (Adaption to climate change) F4 (Assessing flood risk for decision-making), F7 (Ensuring development is safe from flooding) and F8 (Sustainable drainage systems and watercourses) should be the policies that are given greater weight in the assessment of this application.

12.150 With reference to the EA's Risk of Flooding From Surface Water (RoFSW) map, the site is in the 'Very Low' surface water flood risk category (less than 1 in 1,000 chance of flooding each year).

12.151 Surface Water

12.152 The drainage strategy for the proposed development will use a mixture of surface level attenuation features and SuDS. A swale is proposed to the south of the site. There will be a single surface water discharge from the site. This will be from the swale and will run via a pipe down the eastern side of the field in which the swale is located, the boundary of which leads to the ordinary watercourse to the south. Flow control devices will be used so surface water is attenuated in stages across the site.

12.153 The Lead Local Flood Authority (LLFA) have assessed the applicants' proposals and have raised no objection, subject to conditions. Your Planning Officer has no reason to disagree with the LLFA and there are no grounds to resist the application based on surface water drainage matters.

12.154 Foul Drainage

12.155 The proposed connection point for the site's foul drainage is to run a foul sewer from the southern site boundary down the eastern border of the field to south (that is within the

same land ownership) and connect to the public foul sewer that crosses the southern section of this field.

- 12.156 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).
- 12.157 Southern Water have no objection to the application. In light of the above the application is acceptable in relation to foul water disposal.
- 12.158 Water Supply
- 12.159 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. This policy is materially inconsistent with decision-making policy DM7 in the NPPF and should be given very limited weight.
- 12.160 The applicants have stated, *'We have sought and obtained a quotation for mains water supply connections from South East Water which indicates that there is adequate water supply available to serve the development.'* There is a duty under the Water Industry Act 1991 for the water undertaker to provide a supply of water. In light of the above there are no grounds to resist the application on the issue of water supply.
- 12.161 **Infrastructure**
- 12.162 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. This policy is materially inconsistent with the NPPF and should be given very limited weight, with greater weight being given to policy DM6 in the NPPF (Use of planning conditions and obligations).
- 12.163 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
- 12.164 The PPG states:
- 'Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:*
- *necessary to make the development acceptable in planning terms;*
 - *directly related to the development; and*

- *fairly and reasonably related in scale and kind to the development.*'

These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) Paragraph: 002 Reference ID: 23b-002-20190901

- 12.165 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 February 2026, 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.
- 12.166 Having regard to the above, the infrastructure set out below is to be secured via a planning obligation.

West Sussex County Council Infrastructure Requirements:

Education Primary £147,558

Education Secondary £144,966

Education 6th Form £31,313

Libraries £15,670

TAD £138,642

Mid Sussex District Council Infrastructure Requirements (including health requirements)

Community Buildings. £46,951 is required for community buildings. This should be used for Improvements to "Ansty Village Centre "

Play Space. £117,518 is required: This is split:

£65,442 for equipped play areas and £52,076 as other outdoor provision. These contributions should be for improvements to play equipment and other outdoor provision towards improvements to play equipment and outdoor provision at Ansty Recreation Ground.

Outdoor Sports. £46,660. This contribution should be spent towards the following sports facilities:

- Improvements to the sports facilities at Ansty Village Centre and/or
- Improvements to sports facilities at Ansty Recreation Ground and/or
- Improvements to sports facilities for Ansty Cricket Club and/or
- Improvements to sports facilities at Ansty Football Club and/or
- Improvements at the Centre for Outdoor Sports (also known as the Arc), Burgess Hill

Local Community Infrastructure. £33,398 is required for local community infrastructure. This contribution should be spent towards:

- Bus shelters at in Ansty Village
- Cemetery provision in the wider Haywards Heath area
- Car parking improvements/ additional car parking provision in Ansty Village
- Provision of electric car charging points in Ansty Village

12.167 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 policy DP20 of the MSDP, the relevant SPDs, Regulation 122 and guidance in the PPG.

12.168 **Ashdown Forest**

12.169 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).

12.170 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.

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

12.172 Recreational disturbance

12.173 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.

12.174 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.

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

12.176 Atmospheric pollution

12.177 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.

- 12.178 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.
- 12.179 Conclusion of the Habitats Regulations Assessment
- 12.180 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.
- 12.181 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.182 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.

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 Ansty 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.
- 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 1 of the NPPF. At the present time, the Council is unable to demonstrate a five year supply of deliverable housing sites.
- 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; policy DP15 can be afforded full

weight in the determination of this application. It is considered that policy AS1 in the ASNP has very limited weight because it is materially inconsistent with the NPPF.

- 13.8 Policy S3 in the NPPF states that decisions on development proposals should apply a presumption in favour of sustainable development. For development outside settlements this means that policy S5 in the NPPF should be applied. Policy S5 states that outside settlement boundaries only certain forms of development should be allowed. It then sets out a list of such developments. One of the categories of development that policy S5 says should be approved is development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would be physically well-related to an existing settlement.
- 13.9 The proposal would provide 33 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 support the delivery of a substantial increase in the supply of homes, it is considered that the delivery of this residential accommodation should be afforded significant positive weight in the planning balance.
- 13.10 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 chapter 6 of the NPPF of substantially increasing the supply of homes.
- 13.11 The proposal would provide 33 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.
- 13.12 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.
- 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 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.
- 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 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 very limited because these policies are materially inconsistent with the NPPF. The weight to be attached to policy AS1 is also very limited because it is materially

inconsistent with the NPPF. 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.

- 13.17 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 policy DP34 of the MSDP. The weight to be attached to policy DP34 is very limited because it is materially inconsistent with the NPPF. This harm would not fall into the substantial category as defined within the NPPF. The NPPF requires a balancing exercise to be carried out between the 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 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.
- 13.18 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 harm to the setting of the heritage assets in this instance.
- 13.19 It is also a material planning consideration that the site is proposed to be allocated for development under policy DPA17 in the Submission Draft District Plan. There are unresolved objections to policy DPA7 in the Submission Draft District Plan and therefore, only minimal weight can be given to policy DPA17.
- 13.20 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 13.21 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. The proposal also conflicts with policy DP34 in the MSDP. 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 DPA17 is one of the most suitable sites which is capable of helping to meet the Council's housing need.
- 13.22 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'*.
- 13.23 Policy S5, Principle of development outside settlements, in the NPPF applies. This sets out the forms of development that should be approved outside of settlement boundaries. It states in part:

'1. Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:

j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:

i. Be physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure;'

- 13.24 As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that part 1j of policy S5 in the NPPF applies.
- 13.25 The proposal would provide 33 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 17 of the NPPF.
- 13.26 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.
- 13.27 The proposal would have a negative impact on the setting of several 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.
- 13.28 It is your Planning Officer's view that the adverse effects of the development would not substantially outweigh the benefits when assessed against the national decision-making policies in the NPPF. 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 application.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. 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 to accord with Policy DP26 of the District Plan 2014 - 2031 and policy DP3 of the NPPF.

3. Prior to the commencement of development, excluding demolition and site clearance (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 shall be submitted to and approved in writing by the Local Planning Authority:

a) A site investigation, based on the Phase 1 Desk Study by Geo Environmental Services Ltd, reference GE23384/DSRv2/FEB26, and dated 6 February 2026 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,

b) 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 accord with policy P3 of the NPPF.

4. 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,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- 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),
- the prevention of deliveries at the site during school drop-off and pick-up time (generally 0800-0900 and 1430-1530),
- Access arrangements from the public highway, including temporary accesses and alterations to existing accesses.
- details of public engagement both prior to and during construction
- a noise management plan, to include consideration of vibration from construction work including the compacting of ground
- measures to deal with surface water run-off from the site during construction
- a scheme to protect existing neighbouring properties from dust and noise emissions

Reason: In the interests of highway safety and the amenities of the area and to accord with Policies DP21 and DP26 of the Mid Sussex District Plan 2014 – 2031 and policies TR4 and P3 of the NPPF.

5. Prior to the commencement of the construction of this development, details showing the proposed location of the required fire hydrants shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

6. No development shall take place until a Precautionary Working Methods Statement (PWMS) detailing reasonable avoidance measures for great crested newts has been submitted to and approved by the Local Planning Authority. Works shall only be undertaken in accordance with the approved Method Statement.

Reason: To safeguard the ecology of the area, and in the interests of great crested newts and to accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031.

7. 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 Policies DP26 and DP37 of the Mid Sussex District Plan 2014 - 2031 and policy N2 of the NPPF.

8. 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, and to a value derived 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: In the interest of air quality and to accord with policy SA38 of the Site Allocations DPD and policy P3 of the NPPF.

9. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy as listed at the start of this letter and remaining in perpetuity for the lifetime of the development unless agreed in writing by

the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the proposal is satisfactorily drained and to accord with Policy DP41 of the District Plan 2014 - 2031 and policy F7 of the NPPF.

10. Prior to the commencement of any development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority, in line with the Ecological Appraisal (Aspect Ecology Ltd, February 2026).

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 accord with Policy DP38 of the Mid Sussex District Plan 2014 - 2031 and policy N2 of the NPPF.

11. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Appraisal (Aspect Ecology Ltd, February 2026), 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, Priority and threatened species 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 Policy DP38 of the Mid Sussex District Plan 2014 - 2031 and policy N2 of the NPPF.

12. 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 (through provision of lighting layout plans, isolux contour plans, vertical and horizontal illuminance assessments, luminaire specifications, mounting heights, aiming angles, shielding measures, and lighting control strategies)) 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 Policy DP38 of the Mid Sussex District Plan 2014 - 2031 and policy N2 of the NPPF.

13. Prior to the first occupation of any of the new dwellings forming part of the proposed development, the required fire hydrants shall be fully installed and made operational in the approved location. The fire hydrants shall be maintained thereafter for the lifetime of the development.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

14. Prior to the first occupation of any of the new dwellings forming part of the proposed development, the applicant shall notify West Sussex County Council's Fire and Rescue Service and the Local Planning Authority that the fire hydrant(s) have been installed and are operational, to ensure that the Fire and Rescue Service are aware that the hydrant(s) is now a usable asset in the event of a fire.

Reason: In the interests of amenity and in accordance with policy DP20 of the Mid Sussex District Plan 2014 - 2031 and in accordance with The Fire & Rescue Service Act 2004.

15. 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 accord with policy N2 of the NPPF.

16. The dwellings shall not be occupied until the parking spaces/turning facilities/and garages shown on the submitted plans have been provided and constructed. The areas of land so

provided shall not thereafter be used for any purpose other than the parking/turning/and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways and to accord with Policy DP21 of the District Plan 2014 - 2031 and policy TR4 of the NPPF.

17. No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'PROPOSED SEPARATE PEDESTRIAN ACCESS VIA A272 BOLNEY' and numbered ITB210464-GA-0 Rev E.

Reason: In the interests of road safety and to accord with Policy DP21 of the District Plan 2014 - 2031 and policy TR4 of the NPPF.

18. No development above slab level shall be carried out unless and until the following details 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.

- a) Details and samples of the facing materials.
- b) Details and samples of the hard surface materials.
- c) Separate plan detailing boundary treatments.
- d) 1:20 or 1/50 contextual sections and front elevations of entrance canopies, balcony detail, Juliet balcony detail, chimney feature and contrasting brick quoin detail.
- e) Provide a separate plan identifying all sustainability measures incorporated into the design and their locations, including PV panels, heat pumps, EV charging points, and rainwater harvesting tanks.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and policy DP3 of the NPPF.

19. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category 2 Approved Document M Requirement M4(2)) of the Building Regulations). These shall be identified in any subsequent reserved matters submissions and be fully implemented prior to completion of the development and thereafter be so maintained and retained. No dwelling shall be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority, unless an exception is otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DP28 of the Mid Sussex District Plan.

20. 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:

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

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and policy P3 of the NPPF.

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

- * Monday to Friday: 08:00 - 18:00 hours
- * Saturday: 09:00 - 13:00 hours
- * Sundays and Bank/Public Holidays: none permitted

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014 - 2031 and policy P3 of the NPPF.

22. 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.

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. 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 Highway Agreements 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.
2. 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 / and the Local Council (if they have specific land drainage bylaws). It is advised to discuss proposals for any works at an early stage of proposals.
3. 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.
4. 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.
5. 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.

6. Your attention is drawn to the comments of West Sussex County Council with regards to the public right of way to the south of the site, which are available on the planning file.
7. In order to protect public apparatus, when producing the landscaping proposals for the development you are requested to have regard to Southern Water's guidance.

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
Proposed Floor and Elevations Plan	P137		25.06.2026
Proposed Floor and Elevations Plan	P138		25.06.2026
Planning Layout	22129/C101	A	25.06.2026
Highways Plans	ITB210464-GA		03.08.2026
Other	ITB210464-GA	C	03.08.2026
Street Scene	C105	A	25.06.2026
Site Plan	P101	A	25.06.2026
General	P102	A	25.06.2026
Street Scene	P105	A	25.06.2026
Proposed Floor and Elevations Plan	P120	A	25.06.2026
Proposed Floor and Elevations Plan	P121	A	25.06.2026
Proposed Floor and Elevations Plan	P122	A	25.06.2026
Proposed Floor and Elevations Plan	P123	A	25.06.2026
Proposed Floor and Elevations Plan	P124	A	25.06.2026
Proposed Floor and Elevations Plan	P125	A	25.06.2026
Proposed Floor and Elevations Plan	P126	A	25.06.2026
Proposed Floor and Elevations Plan	P127	A	25.06.2026
Proposed Floor and Elevations Plan	P128	A	25.06.2026
Proposed Floor and Elevations Plan	P129	A	25.06.2026
Proposed Floor and Elevations Plan	P130	A	25.06.2026
Proposed Floor and Elevations Plan	P131	A	25.06.2026
Proposed Floor and Elevations Plan	P132	A	25.06.2026
Proposed Floor and Elevations Plan	P133	A	25.06.2026
Proposed Floor and Elevations Plan	P134	A	25.06.2026
Proposed Floor and Elevations Plan	P135	A	25.06.2026
Proposed Floor and Elevations Plan	P140	A	25.06.2026
Site Plan	S101		20.02.2026
Existing Site Plan	S102		20.02.2026
Landscaping Details	LMSL/30/BRA/01	A	21.09.2026