

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/3096	Case Officer:	Rachel Richardson
Application Type:	Full Application		
Proposal:	Construction of six padel courts together with a canopy structure; demolition of the existing sheds; and the erection of a clubhouse building with associated store, pergola and outdoor seating area, alongside hard and soft landscaping		
Site:	Q Leisure, The Old Sand Pit, London Road, Albourne, Hassocks, West Sussex, BN6 9BQ,		
Validation Date	2 Dec 2025	Overall Expiry Date:	26 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	11 Mar 2026
Target Date:	27 Jan 2026	Recommending Officer Signature:	<i>Rachel Richardson</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	21
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	12 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/3096

Q Leisure, The Old Sand Pit, London Road, Albourne, Hassocks, West Sussex, BN6 9BQ
Construction of six padel courts together with a canopy structure; demolition of the existing sheds; and the erection of a clubhouse building with associated store, pergola and outdoor seating area, alongside hard and soft landscaping
The Padel Club

SUMMARY OF REPRESENTATIONS

21 households have written in support of the application. Their comments have been summarised as follows:

- o Great for the community
- o Promotes health and wellbeing
- o Provides employment opportunities
- o Good to provide more padel facilities
- o Great sport for all ages and abilities
- o Minimal noise generated and smaller courts than tennis
- o Will add high quality facilities to an established leisure facility
- o Educational
- o All weather facility which is much needed in the locality
- o Great location and easily accessible

SUMMARY OF CONSULTEES

Environmental Protection: No objection.

Flood Risk and Drainage: No objection subject to condition.

Ecology: No objection subject to conditions.

NatureSpace Partnership: No objection subject to a condition.

WSCC Highway Authority: No objection subject to a condition.

INTRODUCTION

Permission is sought for construction of six padel courts together with a canopy structure; demolition of the existing sheds; and the erection of a clubhouse building with associated store, pergola and outdoor seating area, alongside hard and soft landscaping.

TOWN/PARISH COUNCIL OBSERVATIONS

Albourne Parish Council has no objection.

RELEVANT PLANNING HISTORY

Q Leisure has been operating on the site for over 15 years. There have been numerous planning permissions over that period for development at the site, including the kart track and various buildings. Planning permission was granted for an indoor shooting range at the site under reference DM/17/3002. A subsequent planning permission to make amendments to the original shooting range consent was granted on 18th December 2018 under reference DM/18/4461. These planning permissions have not been implemented. Permission was subsequently granted under DM/20/4243 to vary condition 2 of DM/18/4461 in relation to noise and protecting residential amenity.

SITE AND SURROUNDINGS

The site of this application is the former sand pit on the line of the old A23 to the south of Albourne village. The site amounts to an area of 0.26 hectares. Vehicular access is to the west from the old A23 (B2118). The main building is to the south of the site. This houses the office, bar and storage facilities. The kart track is to the south east of the site and there are several outbuildings associated with this.

The archery area is to the south west of the site. The site of this application is on the northern part of the site. It comprises an area that was granted consent under reference number DM/17/3002 for an indoor shooting range and previously under reference 10/03266/FUL to be used as an outdoor paintball area. The area is now an astroturf pitch and is enclosed by bunding some 4m in height. There is an existing clubhouse to the south.

For the purposes of planning policy the site lies in the countryside as defined in the District Plan.

APPLICATION DETAILS

The application seeks permission for the facilities summarised in the introduction of this report. The proposal includes the provision of 6 padel courts, 4 of which will be covered and 2 will be outdoor courts, a clubhouse and an outdoor social area. Proposed planting and hedges will surround the sports facility to the south. This will all be provided on the same footprint as the existing football pitch and its ancillary buildings.

The proposed court canopy measures 50.7m in length by 23.3m wide and has an overall height of 10.6m and an eaves height of 6m above ground level. The external canopy covering will be finished in high-performance Opal roof fabric made from high-tenacity polyester cloth with a varnish finish in Opal White (Opal 60). Serge Ferrari Protect mesh fabrics in White (332-1323) will be used on the South and East elevations facing site entrance and club facilities.

Serge Ferrari Protect mesh fabrics in Green (332-50201) will be used on the North and West canopy elevations for visual integration with the surrounding environment and to reduce intense light being emitted from the canopy. The proposed external courts (5 and 6) measuring 20m by 10m will sit to the eastern side of the canopy building.

The proposed clubhouse (97.5 sqm) in the south eastern corner of the courts will measure approximately 8.5m wide by 11.4m in length. It will have a flat roof measuring 3.6m in height above ground level.

Materially, the clubhouse building uses two cladding treatments depending on the orientation of the elevation. For the west and north elevations, a vertical timber cladding will be used. On the rear of the building (south and west) which faces the embankment sloping up, a grey insulated metal cladding is used. Pergolas are proposed with outdoor seating to the western side of the building.

Ancillary refuse and storage areas are located to the south western corner of the site.

Levels within the site are retained as predominantly flat, with the current gravel footpath and space outside the existing buildings being replaced with new resin bound finish and complemented with external lighting and soft landscaping features.

The boundary treatment comprises a wire mesh security fence of 2m in height along the southern boundary and 6m in height along the eastern boundary adjacent to the external padel courts.

Shared existing parking is beyond the lodges and off the access to the west.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

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

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

Mid Sussex District Plan

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

Relevant policies:

DP12: Protection and Enhancement of Countryside
DP14: Sustainable Rural Development and the Rural Economy
DP17: Ashdown Forest SPA and SAC
DP18: Setting of the South Downs National Park
DP21: Transport
DP24: Leisure and Cultural Facilities and Activities
DP25: Community Facilities and Local Services
DP26: Character and Design
DP29: Noise, Air and Light Pollution
DP38: Biodiversity
DP39: Sustainable Design and Construction
DP41: Flood Risk and Drainage

Site Allocations DPD

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

Relevant policies.

None.

Neighbourhood Plan

The Albourne Neighbourhood Plan was made on 22 September 2016.

Relevant policies:

ALC1: Countryside - Conserving and Enhancing Character

Other Material Considerations

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

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

Relevant policies:

DPS2: Sustainable Design and Construction

DPS4: Flood Risk and Drainage

DPS6: Health and Wellbeing

DPN2: Biodiversity Net Gain

DPB1: Character and Design

DPC1: Protection and Enhancement of Countryside

DPC5: Setting of the South Downs National Park

DPC6: Ashdown Forest SPA and SAC

DPE8: Sustainable Rural Development and the Rural Economy

DPN7: Noise Impacts

DPN8: Light Impacts and Dark Skies

DPT1: Placemaking and Connectivity

DPI5: Open Space, Sport and Recreational Facilities

DPI16: Community and Cultural Facilities and Local Services

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available,*

including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

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

ASSESSMENT

Principle

Policy DP12 (Protection and Enhancement of the Countryside) of the Mid Sussex District Plan states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

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

Policy DP1: (Sustainable Economic Development) supports existing businesses and allows them room to expand and also allowing small scale economic development in the countryside.

Policy DP24 (Leisure and Cultural Facilities and Activities) of the Mid Sussex District Plan states:

'Development that provides new and/or enhanced leisure and cultural activities and facilities, including allotments, in accordance with the strategic aims of the Leisure and Cultural Strategy for Mid Sussex will be supported.

The on-site provision of new leisure and cultural facilities, including the provision of play areas and equipment will be required for all new residential developments, where appropriate in scale and impact, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure such facilities. Details about the provision, including standards, of new leisure and cultural facilities will be set out in a Supplementary Planning Document.

Sites for appropriate leisure and cultural facilities to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.

Proposals that involve the loss of cultural facilities, open space, sports and recreational buildings and land, including playing fields, will not be supported unless:

- o an assessment has been undertaken which has clearly shown the cultural facility, open space, sports land or recreational building to be surplus to requirements; or*
- o the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- o the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.'*

Policy DP25 (Community Facilities and Local Services) of the Mid Sussex District Plan states:

'The provision or improvement of community facilities and local services that contribute to creating sustainable communities will be supported.

Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- o *that the use is no longer viable; or*
- o *that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- o *that a replacement facility will be provided in the locality.*

The on-site provision of new community facilities will be required on larger developments, where practicable and viable, including making land available for this purpose. Planning conditions and/or planning obligations will be used to secure on-site facilities. Further information about the provision, including standards, of community facilities will be set out in a Supplementary Planning Document.

Community facilities and local services to meet local needs will be identified through Neighbourhood Plans or a Site Allocations Development Plan Document produced by the District Council.'

Albourne Neighbourhood Plan (ANP) policy ALC1 has a similar ethos to Policy DP12.

Q Leisure is a well-established existing leisure facility (with an extant permission for a shooting range) and the principle of additional leisure facilities on the site is considered to comply with above mentioned policies.

Design and Impact on character of the area

Policy DP26 (Character and Design) of the Mid Sussex District Plan states:

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

- o *is of high-quality design and layout and includes appropriate landscaping and greenspace.*
- o *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance.*
- o *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.*
- o *protects open spaces, trees and gardens that contribute to the character of the area.*
- o *protects valued townscapes and the separate identity and character of towns and village.*
- o *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP27).*
- o *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible.*
- o *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed.*
- o *positively addresses sustainability considerations in the layout and the building design.*
- o *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed-use element.*
- o *optimises the potential of the site to accommodate development '*

The MSDG supports high quality buildings that minimise their environmental impact under principle DG37. Principle DG38 requires architectural integrity and a sense of place where the facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. In addition, design principle DG39 requires the scale of new buildings to relate to their context.

The applicants have confirmed the following in their planning statement at paragraph 7.3.4-7.3.10:

The proposed development responds positively to these principles through a sensitive and functional design approach which reflects both the site's rural setting and its existing recreational character. The

layout builds upon the previously approved Multi-Use Games Area (MUGA), maintaining the established open and level area while introducing high-quality sporting infrastructure.

The covered courts are contained within a lightweight polycarbonate and glass canopy structure supported by cold-formed structural steel sections. The frame incorporates a tapered trellis form, chosen to provide visual lightness and refined structural efficiency. The canopy adopts a gentle curved roof profile, designed to follow the natural topography and reduce perceived height when viewed from surrounding areas. This helps the development integrate seamlessly with the existing embankments and vegetation within the site.

Externally, the canopy utilises a combination of high-performance Serge Ferrari Protect mesh fabrics. On the north and west elevations, a green mesh finish (332-50201) has been selected to blend the structure into the landscape, visually softening the building against the backdrop of trees and grassed embankments. This material also helps limit glare and light spill during evening operation.

In contrast, the south and east elevations incorporate white mesh fabric (332-1323) to maximise natural light transmission within the courts and provide a bright, uplifting internal environment. The Opal roof membrane ensures diffused daylight, weather protection, and year-round usability, while maintaining a subtle, low-reflective appearance.

The overall material strategy of the canopy strikes a careful balance between technical performance and environmental sensitivity. The combination of muted green tones, soft translucency, and the lightweight form ensures the covered courts appear as a coherent and recessive addition within the landscape rather than an intrusive built mass.

The clubhouse adopts a contemporary yet sympathetic form, utilising natural and muted materials such as timber cladding and grey insulated metal panels, which harmonise with the landscape and surrounding built form. Its modest scale and horizontal emphasis ensure it sits comfortably within its context, while large glazed openings provide active frontages and natural surveillance over the courts and seating areas.

Together, the choice of materials, restrained form, and considered detailing create a cohesive architectural composition that complements the landscape and the wider site context. The combination of green mesh canopy, natural timber, and muted grey metalwork establishes a calm and contemporary aesthetic that aligns with Policy DP26 and the design guidance principles set out in the Mid Sussex Design Guide. '

The applicants have also drawn reference to Bridgers Farm, to the north of the application site, which has large structures in the countryside. However, these structures are on a farm with a different use, appropriate to a rural setting.

That said, the proposed structures are considered to be acceptable in terms of their design, character and siting. The canopy and top section of the structure would be seen in surrounding views but the domed roof and muted colours would help to mitigate its visual impact in the rural surroundings. The nearest point of PROW to the east and west are about 126 to 180m away and the footpath to the east runs alongside the A23 where there would be very restricted views due to vegetation and the topography of the land. In this respect it is considered to maintain the rural landscape character of the area.

The section drawings illustrate that the majority of the building mass would be obscured by the bund and the proposed planting would also help to mitigate the visual impact of the clubhouse building and other ancillary proposed structures. It should also not be forgotten that this is an existing football pitch with ancillary buildings.

In terms of lighting, Policy DP29 considers the impact on local amenity and artificial lighting proposals (including floodlighting) should be minimised in terms of their intensity and number of fittings.

The application is accompanied by a technical report, lighting survey and lighting plans. The technical report at 8.1.5-8.1.7 summarises the proposed lighting. Section 9.4 describes the mitigation and enhancements. The conclusion at section 10 of the lighting strategy confirms that the proposed lighting

will be in accordance with British Standards, and unlikely to give rise to obtrusive light all in accordance with Policy DP29. This is also repeated at section 4.8 of the DAS. The plans illustrate the position of the proposed lamps, their flux and subsequent light spill which is contained to the surrounding fields at Q Leisure and does not reach the A23. It should also be noted that the A23 also has its own illumination. The light spill modelling as shown on the drawings is consistent with the guidance for the E2 zones and bat sensitive habitats.

The lighting survey concludes that the proposed lighting will not significantly impact on the surrounding landscape character given that the embankment will largely block out most of the light spill. A lighting curfew will also be applied in accordance with best practice, ensuring the lighting is switched off outside of operational hours (typically between 23:00 and 06:00).

The South Downs National Park lies to the southern side of the Brighton Road, B2117, and is about 430m away at its closest point to the application site proposal. The proposed development is not considered to detract from or cause detriment to the visual and special qualities of the setting of the SDNP and is therefore considered to be in accordance with Policy DP18.

As such, in terms of character and appearance and visual impact, the proposed design and lighting is acceptable and in accordance with relevant policies.

Residential Amenity

Policy DP26 (Character and Design) of the Mid Sussex District Plan states,

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

o *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29)'*

The applicants planning statement confirms the following:

'The nearest existing residential dwellings to the application site are a substantial distance away, approximately 200m to the north and the north-west. As such, no detrimental impact on the amenity of these receptors is considered to arise as a result of the proposed development.'

In addition to the above, it is considered that the proposal will not detrimentally impact the existing uses of the site, which are prominently used for leisure and sporting purposes. It is important to note that the court will be in use between the hours of 06:00 and 23:00 Monday to Friday and 07:00 and 22:00 Weekends and Bank holidays which is considered to the use and the site.'

It is noted that the site is located to the west of the A23, which provides a significant background noise level against which to assess any future uses. The padel tennis courts are not considered to generate any level of noise that would be appreciable from neighbours, when considered in this context and the existing and permitted leisure uses on site. For the purposes of this application, the noise from the road is considered acceptable.'

Sandpit Cottage is some 200m to the west of the site and houses to the north and north west, some 300m away. It is therefore accepted that the level of impact of the proposed development on residential amenity would not be significantly harmful and as such is compliant with policy DP26.

Noise

DP29 states, in part, that development will only be permitted where:

o *'it is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area, and'*

o if it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures.'

The Council's environmental protection team raises no objection. Your Officer has no reason to dispute this.

The issue of noise is addressed at section 7.9 of the planning statement.

The application is not supported by a noise impact assessment in the absence of any noise sensitive receptors within proximity to the site. The application site is already an established leisure facility with outdoor recreational uses including an 800m go-kart track, shooting range and archery all of which emit certain levels of noise.

The site is flanked to the east and west by the A23 and B2118 (London Road) which carries a frequent relatively high volumes of traffic and their associated noise.

Noise is also partially mitigated by the existing surrounding bund and proposed/existing vegetation. Noise impacts to residential properties will be negligible and as said earlier are located a substantial distance away.

Four of the courts will also be covered with a glass and polycarbonate roof which will absorb and deflect airborne sound.

Overall, and on this issue it is considered that the proposed development is acceptable in terms of noise impact and policy DP29.

Highway

Policy DP21 of the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards.

The Highway Authority at WSCC has no objection. There are no changes to the existing access arrangements from the London Road B2118. There are no visibility restrictions and therefore no safety concerns. There would be no highway capacity issues on the local highway network.

There are also no proposed changes to the parking arrangements and there is sufficient parking capacity (62 spaces) to accommodate the proposed use which seeks to replace the football pitch.

As such, it is considered that the proposed development in relation to transport issues, is acceptable and meets policy requirements.

Flood risk and Drainage

Policy DP41 of the MSDP deals with flood risk and drainage matters and states the following:

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

Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'

The MSDC Drainage engineers have raised no objection. The site lies within flood zone 1 which is at low risk.

Surface water will be treated and attenuated through the pervious pavement sub-base and catchpit chambers prior to infiltration, ensuring compliance with the SuDS Manual and protecting groundwater quality. No increased flood risk will occur either on or off the site as a result of the development.

It is recommended that any permission would need to include a condition for details to be submitted for foul and surface water drainage. With this being the case it is considered that there would be no grounds to resist the proposal on this issue and it is compliant with policy DP41.

Sustainability

Policy DP39 of the District Plan states:

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

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

This issue is addressed in the Planning Statement at 7.10. It confirms that materials will be locally sourced, are low maintenance and lower future environmental impact.

Energy efficiency and operational sustainability are further enhanced through the use of LED lighting, low-energy fittings, and opportunities for natural ventilation throughout the building and covered courts. Water-saving fixtures and sustainable drainage measures will also be incorporated where feasible to limit resource consumption and manage surface water effectively.

The design prioritises a low carbon, resilient and adaptable construction strategy.

It is considered that this aspect of the proposals complies with policy DP39.

Ashdown Forest

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

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

A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

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

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, 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.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.

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

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

Ecology

Policy DP38 (Biodiversity) states:

'Biodiversity will be protected and enhanced by ensuring development:

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

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

o Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and

o Promotes the restoration, management and expansion of priority habitats in the District; and

o Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

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

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

The Council's Ecology consultant has no objection to the proposal and has recommended conditions if permission is granted.

They have reviewed the Bat Emergence Survey Report (Lizard Landscape Design and Ecology, August 2025) and Preliminary Ecological Appraisal (Lizard Landscape Design and Ecology, June 2025) relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures and mandatory Biodiversity Net Gain. There are no further bat surveys required given that there are no trees on site.

NatureSpace Partnership has no objections subject to an informative being added to any planning permission. Also a condition to ensure the works should also be carried out in accordance with the precautionary working statement in the form of RAMs and NLMS (see comments).

In light of the above, the proposal is therefore considered to be compliant with policy DP38.

Biodiversity Net Gain

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

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and
- (b) the planning authority has approved the plan (see paragraph 15)'.

Due to the 15-year lease arrangement for the site, the applicant cannot deliver the required 30-year habitat management and monitoring necessary for on-site BNG compliance. To meet the statutory +10% BNG requirement, the client will therefore purchase off-site habitat units from an accredited provider (such as the Iford Estate, Wiston Estate or The Environment Bank) to offset the shortfall and satisfy the biodiversity gain condition.

The Council's ecology consultant has no objection to the proposed development in respect of the above and has recommended a BNG condition to ensure the necessary provisions are met.

PLANNING BALANCE AND CONCLUSION

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

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.

When assessed as a whole, the proposal accords with the Development Plan and reflects the overarching aims of national planning policy. The scheme delivers a sensitively designed, high-quality recreational facility on land that is already suited to leisure use, providing a valuable addition to local sports infrastructure. The proposal is considered to be in accordance with all relevant policies in the DP, ANP, MSDP and national policy provisions contained within the NPPF. It is recommended that permission be granted.

Decision: Permission

Case Officer: Rachel Richardson