



Asher Planning Ltd

Demolition of existing storage building and erection of a detached two-storey, 3-bedroom house with a single-storey detached garage and associated access and landscaping

Land at Hounds' Cottage, Wall Hill Road, Ashurst Wood RH19 3TQ



North elevation of existing hedge from driveway

Planning Statement
7 January 2026

1.0 Introduction

- 1.1 This statement is to support the planning application at Land at Hounds' Cottage, Wall Hill Road, Ashurst Wood.
- 1.2 In this statement we discuss the site, surroundings and policy context. We then provide details of the proposal and assess compliance with planning policy.

2.0 Site and surroundings

- 2.1 The site is located on the south side of Wall Hill Road in Ashurst Wood, with levels falling from north to south. It is accessed via the existing drive serving Hounds' Cottage.
- 2.2 Hounds' Cottage is set in 4.5 acres (1.82 ha) of land. The applicant, who owns Hounds' Cottage, is seeking to subdivide the land and create a separate plot on which to construct a detached, 3-bedroom dwelling. The proposed plot is 0.15 ha and lies between Hounds' Cottage itself and the neighbour to the west.
- 2.3 There is an existing single-storey building on the site, which is used for storage. It is regularly accessed by a vehicle. A drawing commissioned in 1966 shows that there were previously three outbuildings (greenhouses) on the site.
- 2.4 There are detached residential properties to either side. To the north of the site is the former Forge workshop and behind this are houses on Hammerwood Road. John Pears Field recreation area is to the east.
- 2.5 There are bus stops on Wall Hill Road with services to Crawley, East Grinstead, Forest Row Tunbridge Wells, Haywards Heath, Uckfield and Brighton. There are shops and services in Forest Row and East Grinstead, both of which are an easy bus journey away (Forest Row is 20 minutes' walk).
- 2.6 The site is just outside the built-up area boundary of Ashurst Wood, which is located directly to the north and west. It is considered to be contiguous with the built-up area boundary. The site is also within the Ashurst Wood Neighbourhood Plan area.
- 2.7 It is not in any conservation area and there are no listed buildings on or near the site. It is in Flood Zone 1 with a low risk of flooding. The site is in the High Weald Area of Outstanding Natural Beauty (AONB).

Figure 1 – Extract from Mid Sussex Policies Map

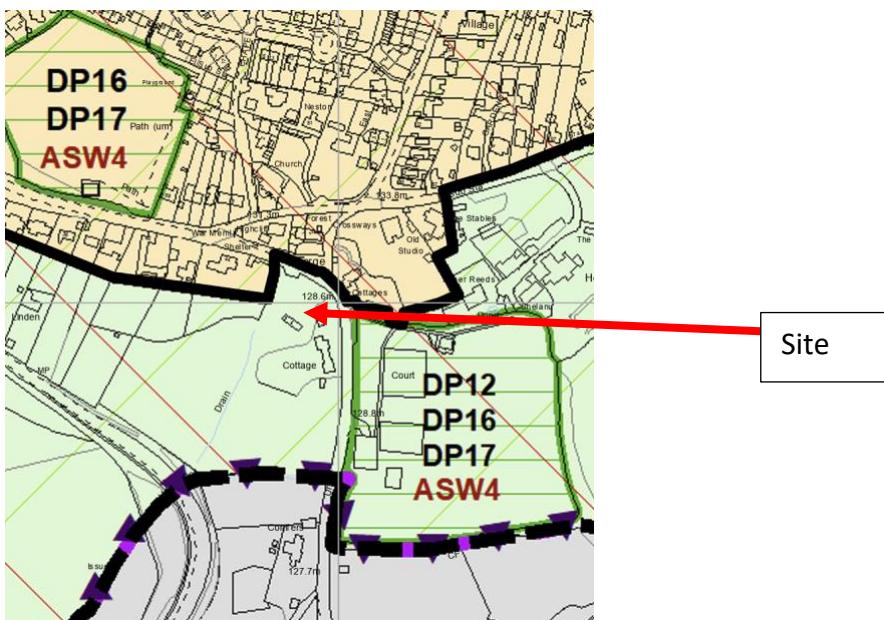
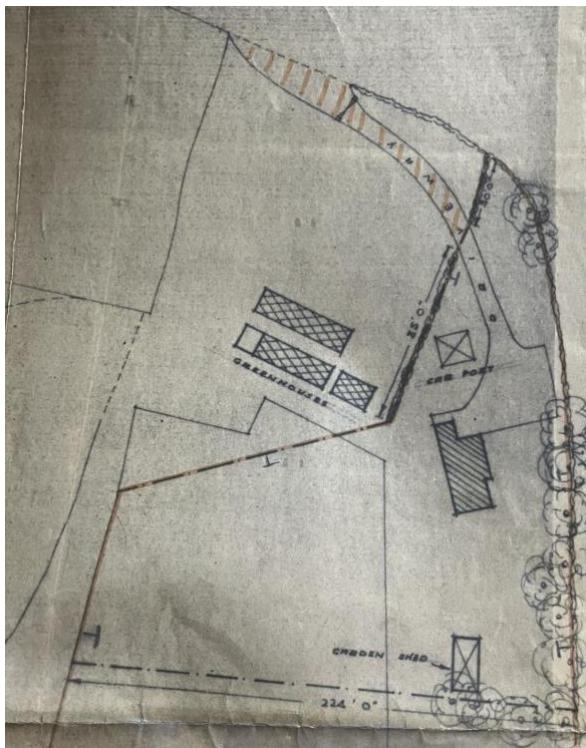


Figure 2 – Extract from 1966 drawing, showing greenhouses



3.0 Planning history

- 3.1 Pre-application advice on the construction of one new dwelling on the site was provided in September 2025 (ref. DM/25/1875).
- 3.2 The advice concluded that:

“The development represents a new dwelling in the countryside that does have a special justification...The site is considered to be sustainably located relative to the built up area boundary of Ashurst Wood...Overall, the planning balance is considered to fall significantly in favour of granting planning permission if an application were to be submitted.”

3.3 Pre-application advice from WSCC Highways was also provided, in November 2025 (ref. PRE-98-25). This stated that no highway safety or capacity concerns would be raised at this stage, and requested further information with regard to car and cycle parking.

4.0 Proposal

4.1 The proposal is to subdivide the existing plot, creating a new plot which will measure 0.15ha. It is proposed to demolish the existing storage building on this plot and build a new detached, two-storey, 3-bedroom, house.

4.2 The building will be cut into the slope, with the entrance on the upper level. On the proposed upper level there will be an open-plan living/dining/kitchen area, a shower room with W.C. and a utility/plant room. This floor will have a rear (south-facing) balcony. The lower level will provide a master bedroom (with ensuite and dressing area), two further bedrooms, a family bathroom and a study. Each bedroom will have direct access to a south-facing terrace leading into the garden.

4.3 The house will be a low-energy building constructed from sustainable timber with timber cladding externally, and timber/aluminium composite windows. The roof will be a part flat, part mono-pitch sedum roof. There will be photovoltaic panels on the flat roof, servicing an air-source heat pump to provide all hot water and heating.

4.4 The house will be located towards the centre of the site; a relatively open area with few trees. A garden will be created to the south and sides of the house, with terracing to optimise amenity value. As many trees will be retained on-site as possible and the thick shrubbery to the west will be thinned to improve the health of the shrubs and trees.

4.5 The proposed dwelling will share the existing Hounds' Cottage driveway, off Wall Hill Road. A turning off this driveway will serve the new dwelling, and reconnect to the main driveway so that vehicles can exit the site without having to reverse onto the public highway.

4.6 Three car parking spaces are proposed for the new dwelling. A drive-through garage is proposed. This will provide one car parking space as well as cycle parking and EV charging. A further two car parking spaces will be provided on the driveway. There will be dedicated refuse storage.

4.7 In response to the pre-application advice, the height of the garage has been reduced (double to single-storey), the north elevation has been better animated and the

building has been moved further west from the oak tree (T5) to allow more daylight into the building.

Figures 3-5 – Proposed north and east elevations, and illustrative view



Proposed composite north elevation: moving the garage further east reveals the entrance and more active frontage



Proposed east elevation showing single garage with a lower roof profile and level entry bridge



Illustrative view of proposed house from south-east

5.0 Policy context

National policy

- 5.1 The **National Planning Policy Framework (NPPF, 2024)** sets out the Government's planning policies for England and how these are expected to be applied in both plan making and decision making.
- 5.2 Sustainable development is at the heart of the planning system and the NPPF seeks to achieve this through three overarching objectives: economic, social and environmental.
- 5.3 At para. 11, the NPPF sets out the need for plans and decisions to apply a presumption in favour of sustainable development. In terms of decision making, local planning authorities are expected to approve development proposals that accord with an up-to-date development plan without delay.
- 5.4 Footnote 8 says that, for applications for housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, housing policies in the Local Plan are considered 'out-of-date'. This means that the Council is expected to grant planning permission for schemes unless their adverse impacts 'significantly and demonstrably' outweigh their benefits, when assessed against the policies in the NPPF taken as a whole. This is often referred to as the 'tilted balance'.
- 5.5 An appeal statement relating to Land off Scamps Hill, Lindfield, dated 18/12/2024 found that the Council's deliverable supply of 4,815 dwellings equates to 3.38 years (see Appendix 1). As such there is considerable weight afforded to housing delivery as a consideration in the decision-making process.
- 5.6 Para. 61 states that it is the Government's aim to significantly boost the supply of housing.

5.7 Para. 135 states that proposals should be well-designed, respect local character and ensure a high level of amenity for existing and new users.

Local policy

5.8 The **Mid Sussex District Plan (2018)** contains the following relevant policies.

Table 1 – District Plan Policies

Number	Title	Content
DP4	Housing	Makes provision for 14,892 dwellings over the Plan period. Identifies Ashurst Wood as a Category 3 settlement.
DP5	Planning to Meet Future Housing Need	The Council will continue to work under the 'Duty-to-Cooperate' with all other neighbouring local authorities on an ongoing basis to address the objectively assessed need for housing across the Housing Market Areas.
DP6	Settlement Hierarchy	Development will be allowed within built-up boundaries. The growth of settlements will be supported where this meets identified local housing needs where the proposed development is for fewer than 10 dwellings, the site is contiguous with an existing built-up area of the settlement and the development is sustainable.
DP12	Protection and Enhancement of Countryside	Seeks to protect the countryside.
DP13	Preventing Coalescence	To promote well located and designed development that reflects the District's distinctive towns and villages, retains their separate identity and character and prevents coalescence.
DP15	New Homes in the Countryside	Allows new homes where they accord with Policy D6.
DP16	High Weald Area of Outstanding Natural Beauty	Development will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan.
DP17	Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)	Within a 7km zone of influence around the Ashdown Forest SPA, residential development leading to a net increase in dwellings will be required to contribute to mitigation.

DP21	Transport	Development should be sustainably located to minimise the need for travel, be designed to adoptable standards, provide adequate parking, avoid creating traffic congestion and ensure highway safety.
DP26	Character and Design	Seeks high quality design.
DP27	Dwelling Space Standards	New dwellings must accord with the national space standards.
DP28	Accessibility	All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.
DP30	Housing Mix	Development should provide a mix of dwelling types and sizes from new development that reflects current and future local housing needs.
DP37	Trees, woodland and hedgerows	Supports the protection and enhancement of trees, woodland and hedgerows, and encourages new planting.
DP38	Biodiversity	Requires development to protect and enhance biodiversity.
DP39	Sustainable Design and Construction	Seeks to improve the sustainability of development.

5.9 The **Ashurst Wood Neighbourhood Plan (2016)** includes the following relevant policies:

Table 2 – Neighbourhood Plan Policies

Number	Title	Content
ASW1	Protection of Countryside	Development will only be allowed if it accords with other policies, would conserve and enhance the landscape, maintain the character and appearance of the countryside and have good design.
ASW2	Preventing Coalescence	Development should not reduce the openness and visual break between Ashurst Wood and East Grinstead or Forest Row, or increase the intensification of development within existing curtilages.
ASW5	Site for New Homes	Allows for development on windfall sites.

ASW12	Residential Development Outside the Built-Up Boundary	Development will be permitted where: <ul style="list-style-type: none"> a) The site is a contained or infill site surrounded by existing development and would not generate additional encroachment into the countryside: and b) The proposal would not lead to an increased coalescence between the Plan area and East Grinstead or Forest Row; and c) The proposal is for up to three dwellings.
ASW14	Design and Character	Seeks high quality design which respects the surrounding area.
ASW21	Parking Provision	A minimum of two parking spaces is required for units with 1-3 bedrooms and three spaces for units with 4 or more bedrooms.

6.0 Planning assessment

Principle of development

6.1 The proposal will provide a new house in a sustainable residential area close to public transport and shops/services, in line with the NPPF paras. 61 and 135. Mid Sussex does not currently have a five-year supply of housing sites and as such there is considerable weight afforded to housing delivery as part of the ‘tilted balance’.

6.2 The pre-application advice agrees that the site is sustainable, stating that:

“Ashurst Wood is considered to be a category 3 settlement and provides essential services for the needs of its own residents and immediate surrounding communities. The site is located adjacent to the built-up area boundary and there is a bus stop some 24 metres away. As such the site is considered to encourage sustainable modes of transport”.

6.3 District Plan Policy DP12 states that development will be permitted in the countryside, defined as the area outside of built-up area boundaries, provided it maintains or where possible enhances the quality of the rural and landscape setting of the District, and is supported by a specific policy reference elsewhere in the Plan. Neighbourhood Plan Policy ASW1 has a similar ethos.

6.4 The proposal accords with these policies because Policies DP6 and DP15 specifically allow for small housing developments on sites which are contiguous with a built-up area boundary.

6.5 The site also meets the requirements of Neighbourhood Plan Policy ASW12, having existing development to the east, west and north and being for only one dwelling. Due to its location with existing development on three sides, it will not result in any encroachment into the countryside or coalescence between the Plan area and East Grinstead or Forest Row. It will not increase the intensification of development

within an existing curtilage – the site is not part of the residential garden of Hounds' Cottage, it is an overgrown area where historically there were greenhouses.

- 6.6 The proposal will make a small contribution towards the Council's housing targets as set out in District Plan Policy DP4, on a windfall site as supported by Neighbourhood Plan Policy ASW5. It will provide a 3-bedroom house, for which there is a high need, in accordance with District Plan Policy DP30.
- 6.7 The countryside will be protected - development will not reduce the openness and visual break between Ashurst Wood and East Grinstead or Forest Row in line with District Plan Policies DP12 and DP13 Neighbourhood Plan Policy ASW1 or ASW2. It will blend into the existing settlement and will not affect the AONB, in line with District Plan Policy DP16.

Impact on the character of the area and High Weald AONB

- 6.8 District Plan Policy DP26 says that:

"All development and surrounding spaces...will be well-designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside."

- 6.9 A high quality design can be achieved on the site, with a contemporary appearance to complement the surrounding development area. The dwelling will be sited towards the centre of the plot, as suggested in the pre-application advice. It takes the topography of the site into account and will be very well screened on all sides. The design accords with the NPPF para. 135, District Plan Policy DP26 and Neighbourhood Plan Policy ASW14.

- 6.10 The pre-application advice found that:

"The proposed dwelling is of a more contemporary design than the surrounding dwellings and it would be characterised of materials that would blend well with the surrounding woodland and countryside. The proposal would be set into the sloping ground level of the site and the north boundary treatment is significant in scale... the proposal could maintain the quality of the rural and landscape character of the district and it could address the character of the surrounding landscape."

- 6.11 The advice suggested that the scale of the garage be reduced – this change has been made. On the main house, the front door and entrance bridge have been moved to the north elevation to provide passive surveillance signalling occupation within as well as a more animated elevation.

- 6.12 The proposal has been carefully designed to protect the landscape, retaining as many trees as possible and thinning the thick shrubbery to the west to improve the health of the trees and shrubs. Those trees that would need removal are of low quality.
- 6.13 The proposed house will have a similar relationship to the road as neighbouring houses Hounds' Cottage and Moor Hill. The house will be very well-screened from the road, with only the upper level glimpsed from the driveway. It will also be well-screened, by existing landscaping, from neighbouring houses.

Highways and accessibility

- 6.14 It is unlikely that the addition of one dwelling in the location will have a significant impact on traffic congestion or highway safety – this view is shared by WSCC Highways in their pre-application advice. The proposal therefore accords with District Plan Policy DP21.
- 6.15 There will be three off-street car parking spaces, in line with WSCC's Guidance on Parking in New Developments (2020) and exceeding the requirements of Neighbourhood Plan Policy ASW21. Two cycle parking spaces are also proposed, as well as EV charging and dedicated refuse storage.

Trees, woodland and hedgerows

- 6.16 An Arboricultural Impact Assessment and Method Statement are submitted with the application; it includes the following summary:

"The proposals will require the removal of five individual trees, two groups and part of one group of overgrown Cypress screen. All of the trees for removal are either BS Category C or U and these should not represent a constraint to the proposals, according to BS5837:2012. None are of high public visual amenity, with the most visible tree being a dying Ash.

The proposed tree removals will not adversely affect the visual amenity setting of the site or the wider landscape context.

The proposed house will not impact on any retained tree RPAs."

- 6.17 In accordance with the pre-application advice, the proposed dwelling has been sited further away from the tree to the east. The dwelling will be sited on the area between the trees to ensure that the canopies do not block natural light. The proposed design takes account of the trees as required by District Plan Policy DP37.

Neighbour amenity

6.18 In line with the NPPF para. 135 and District Plan Policy DP26 there will be no impacts on neighbour amenity due to the large plot size and heavy screening by trees and hedges. The pre-application advice found that:

“The proposal would be a significant distance from any existing residential properties within the surrounding area, as such it is unlikely to cause significant harm to the amenities of existing nearby residents and future occupants.”

Housing standards

6.19 In accordance with the NPPF para. 135 and District Plan Policy DP27, the proposed dwelling will exceed minimum floorspace standards. It will have a total floorspace of 172sqm, where the minimum standard for a two-storey, 3-bedroom, 6-person house is 102sqm. All three bedrooms will exceed the minimum double bedroom size of 11.5sqm.

6.20 The house will have a substantial garden (see plan below), with terracing to optimise amenity value. The garden will measure 310sqm, with an extra 22sqm next to the entrance gate.

6.21 The house will have good levels of light and outlook through the windows and doors.

Figure 6 – Proposed garden space



Ecology and biodiversity

- 6.22 A Preliminary Ecological Assessment (PEA) is submitted with the application. It finds that the proposal will not negatively impact the overall landscape value associated with the High Weald.
- 6.23 With regard to habitats, it states that as potentially suitable hazel dormouse habitat and bat roosting habitat will be retained as part of the proposals, no further targeted protected species surveys are considered necessary. A precautionary approach for different elements of the works in relation to breeding birds and bats is recommended and is considered sufficient to fully safeguard these species groups.
- 6.24 It states that although the site has limited potential to support great crested newt, precautionary measures should be implemented in order to fully safeguard this species.
- 6.25 A Biodiversity Net Gain report is also submitted. It recommends the purchase of 3.79 A1 habitat units and 0.04 hedgerow units, from an off-site habitat bank.
- 6.26 The proposal accords with District Plan Policy DP38 which seeks to protect biodiversity.
- 6.27 The site is within the 7km zone of influence around the Ashdown Forest SPA; we are aware that appropriate mitigation will be required in accordance with District Plan Policy DP38.

Sustainability

- 6.28 A high level of environmental sustainability can be achieved, in line with District Plan Policy DP39. A sedum roof, photovoltaic panels and an air source heat pump are proposed and sustainable timber will be used where possible. The dwelling will be built to high energy-efficient and water efficient standards.

Flood risk and drainage

- 6.29 The site is in Flood Zone 1 with a low risk of flooding. Drainage details are included with the submission.

7.0 Comparable development

- 7.1 In 2017, planning permission was granted (DM/17/2857) at neighbouring 42 Hammerwood Road for a 4-bedroom single-storey house.
- 7.2 The Council did not have a five-year housing land supply at this time. The officer's report (see Appendix 2) on the application found that:

“Overall, it is not considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of providing a new dwelling in a sustainable location in the District.”

8.0 Conclusion

- 8.1 The proposal will provide a new family dwelling in a sustainable location next to the built-up area boundary of Ashurst Wood. The proposal has been well-designed and will protect the surrounding rural character and landscape.
- 8.2 The house will provide a high standard of accommodation and will not have any adverse impacts on neighbours. It will have a safe vehicle access and adequate car and cycle parking. The house will be a sustainable, energy-efficient dwelling.
- 8.3 The proposal complies with national and local planning policy and should be considered favourably.



Appeal Decision

Inquiry held on 28, 29, 30 January 2025

Site visit made on 29 January 2025

by **J P Longmuir BA(Hons) DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2025

Appeal Ref: APP/D3830/W/24/3350075

Scamps Hill, Lindfield, RH16 2GT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
- The appeal is made by Gladman Developments Ltd against Mid Sussex District Council.
- The application Ref is DM/24/0446.
- The development proposed is the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access.

Decision

1. The appeal is allowed and planning permission is granted for the erection of up to 90 dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point. All matters reserved except for means of access at Scamps Hill, Lindfield, RH16 2GT in accordance with the terms of the application, Ref DM/24/0446, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application was not determined prior to the appeal being lodged. The Council provided putative reasons for refusal: the setting of heritage assets, the development being outside the built up area in the Development Plan, insufficient information on the effect of the proposal on protected species and the lack of a legal agreement to provide affordable housing and social infrastructure.
3. Following consideration of the latest ecological surveys, the Council confirmed on the 28 November 2024 that protected species would not be harmed by the proposal subject to conditions. Additionally, following the publication of changes to the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) on Housing supply and delivery, the Council on 19 December 2024 advised that they were not now opposing the principle of the proposal.
4. A section 106 agreement (s106) was signed on and submitted 10th February 2025. This makes provision for affordable housing, highway works, essential services and ecology.
5. The appeal proposal is submitted in outline with all matters reserved except for that of access. The Appellant confirmed at the Inquiry their intention, if the appeal was allowed, was that the reserved matters submissions would comply with the submitted Development Framework Plan which provides the broad extents of the

development area and open space. I therefore have considered the Plan accordingly.

6. The appeal site is proximate to the Grade II listed Grayfriars and Tythe Cottage, and Walstead Grange a non-designated heritage asset. Whilst the site is outside Lindfield Conservation Area, its setting is a material consideration and the effect of the proposal on the settings on all of the above is therefore a main issue.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also mindful of the historic environment policies within the Framework that relate to the significance of designated heritage assets and their settings.
8. The submissions in the appeal evidence show two different spellings of Grayfriars. The list description spells it as above, and for that reason I follow that, in spite of a differing spelling on the sign at its frontage.

Main Issues

9. The Council suggest the proposal conflicts with the Development Plan in their putative reasons, which I consider latterly. The effect of the proposal on the character and appearance of the area is relevant to the built up boundaries in the Development Plan and is raised by local residents; I therefore consider this as a main issue. The effects of the proposal on protected species and habitat and the setting of heritage assets, are both main issues due to their particular tests. The main issues therefore are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on protected species and habitat; and
 - the effect of the proposal on the settings of the Lindfield Conservation Area, Grade II listed Grayfriars, Grade II listed Tythe Cottage and non-designated heritage asset, Walstead Grange.

Reasons

Character and appearance

10. Policy DP12 of the Mid Sussex District Plan 2014-2031 seeks to protect the countryside for its intrinsic character and beauty. Development outside the built up area boundaries will only be supported where it enhances the rural and landscape character and is necessary for agriculture. DP15 is similar in restricting new homes in the countryside and relatedly DP6 allows development within the defined built up area boundaries. It recognizes the growth of settlements supports local housing, employment and community needs.
11. In addition, Policy DP26 promotes well located and designed development that reflects the District's distinctive towns and villages and retains their separate identity and prevents coalescence. DP37 seeks to protect trees and hedgerows and encourages new planting.

12. Policy 1 of the Linfield and Lindfield Rural Neighbourhood Plan 2014-2031 supports development proposals only within the built up boundary of Lindfield. Then the scale, massing and character will need to be appropriate.
13. The appeal site is not within a designated or protected landscape and similarly no party felt it was part of any such setting. The Council agreed that 'the development has the potential to successfully integrate into the local surroundings without any unacceptable landscape or visual effects'¹.
14. The site is within the National Character Area High Weald. However, this is very extensive, so offers little relevance to the appeal site and this settlement edge landscape. A county wide study² places the appeal site within the Ouse Valley character area. This notes Lindfield as a valley edge settlement and finds its impact on the Valley is reduced by woodland and relatedly suggests the general settlement pattern sits well within the landscape. It also remarks on the legacy of 'designed' landscapes and treescapes.
15. The characteristics of the Ouse Valley are reflected in the environs of the appeal site. Whilst the eastern part of Lindfield is characterised by extensive twentieth century housing, this is fragmented by The Old Common, a green space with a peripheral scattering of trees and a sense of openness and rurality, which functions as a large village green. The houses gently slope towards the edge of the settlement (and the appeal site), alongside the slightly meandering Scamps Stream.
16. The appeal site itself consists of three grass fields. Two gently slope upwards away from the Stream to a faint ridge before conversely the third field slopes down towards Walstead. There is a scattering of mature indigenous trees and hedgerows dividing the fields and site boundaries.
17. One side of the appeal site is adjacent to the B2111 through road linking Lindfield and Walstead which provides a circuitous northern road around the nearby Haywards Heath. To the other side of the road is extensive recent residential development, however this is partly buffered by trees alongside the through road.
18. The appeal site contributes to the Ouse Valley landscape by its grass borders to the stream side and its scattered large specimen trees which together with the boundary hedges soften the settlement edge.
19. A landscape assessment was submitted with the proposal. This shows that there are views of the site from the surroundings, however, the site is only marginally apparent in medium range views, being shrouded by woodland and the topography. It does not feature in distant outward looking views to the wider countryside and is largely experienced in short range views. Both parties agree that the site has limited visibility. I find in terms of landscape change the site has limited sensitivity.
20. The proposed 90 houses would be on the two fields towards the Lindfield part of the appeal site. In the medium range views, these would be perceived as a very small and insignificant element. The site is most apparent along the road to and from Lindfield. However, from here they would be experienced in conjunction with the existing houses in Lindfield and would be perceived as part of the settlement.

¹ Statement of Common Ground paragraph 4.15.1

² A Strategy for the West Sussex Landscape 2005

A proposed intervening open space adjoining Scamps Stream would soften the collective expanse of the new and existing built form.

21. The proposal would create a new opening through the frontage hedge for the vehicular access, which would create a new viewpoint. However, it would not be overly wide, so that view would be narrow and only briefly apparent from the through road. A cycleway/pedestrian access would also be formed and similarly create an opening, however this would be a narrow view and would be largely of an open space by the Stream. With the exception of the above, the submitted plans show a frontage hedge would be largely behind the visibility splays.
22. The submitted tree protection plan shows the retention of the important specimens that contribute to the character of the site and the Framework Plan provides them with space to flourish.
23. Whilst this is an outline application, the extent of development is defined by the Framework Plan and the Design and Access Statement suggests an overall density of 36 per hectare. Taken as a ballpark, I find that this would be modest and in keeping with an edge of settlement location. In addition, the heights of the buildings would be capable of being considered in conjunction with the elevations in any reserved matters.
24. Part of the appeal site, on the Walstead side, would be left as public open space. The Framework Plan shows this arrangement, and a condition on its broad compliance is suggested by both parties. This open space would have new tree planting which would provide a characterful countryside boundary to the settlement.
25. The proposal would involve the loss of two grass fields which would lead to some harm to the landscape. That harm would be limited as the site is not part of a sensitive landscape and development would be experienced as a sympathetic extension to Lindfield. It would be also partly offset by the new landscaping opportunity on the third field, which could reflect the characteristics of the Ouse Valley.
26. The area shown for development does not appear to have any particular constraints, and I find that there is no reason why reserved matters details could not address the character of the area. There is a discernible vernacular in Lindfield, which the elevations, materials and landscaping could follow.
27. I therefore find that the proposal would not conflict with Policy DP37 as the loss of hedgerow for the access would be more than compensated by new hedgerows and trees. It also accords with Policy DP26 in terms of its appropriate design but is contrary to DP12, DP15 and NP1 being outside the built up boundary and leads to adverse impact.

The effect of the proposal on protected species and habitat

28. Policy DP38 seeks to promote biodiversity, minimise habitat fragmentation, enhance wildlife corridors and avoid disturbance to sensitive habitats and species.
29. The appeal site's three fields have species poor neutral rough grassland, which were being grazed by a few sheep at the time of my site visit. The scattering of mature indigenous trees and mixed species hedgerows provide some habitat but

more notably adjacent to the site is an ancient woodland and Scamps Stream. There are also pockets of other broadleaf woodland in the area.

30. The Appellant has conducted ongoing surveys for protected species in and around the site since 2020, and reviews have provided the up to date position. The Council and their specialist consultants vindicated the methodology and the results.
31. The surveys showed limited badger, bat and reptile activity, and the presence of dormice and common birds. One of the local residents mentions sighting a barn owl on the site.
32. Both main parties agree in the Ecology Statement of Common Ground that the proposal would not harm protected species or habitat, albeit with appropriate conditions and planning obligations in the s106.
33. The Framework Plan shows the provision of open space and potential landscaping. The parties agree that the proposal can provide mitigation measures including new habitat by tree and shrub planting. Appropriate specimen trees would provide foraging, shelter and foster connectivity across the site for a range of species. Such new planting would also be likely to provide intermediary links to the ancient woodland; a proposed orchard would also be close thereby diversifying foraging opportunities. A hedge would buffer the ancient woodland from disturbance by humans.
34. Open space is also shown around the stream, and development would not intrude into the margins of the aquatic habitat, thereby avoiding disturbance to wildlife. Whilst there are 3 ponds and a ditch within 250m of the site, there was no evidence of newts, and the main parties agree that the development could be effectively managed under license. The proposed surface water attenuation pond would also provide particular habitat, thereby helping to diversify the ecosystem.
35. A condition could be imposed to ensure that the construction process would be managed sensitively to respect the site and its surroundings. Similarly, the open space could be managed so that its potential is realised and a habitat monitoring condition would help the future prospects. A condition to control external lighting would mean that the margins of the development would not be expected to discourage bats and birds.
36. The existing biodiversity value of the site has been calculated and agreed by the Council. Whilst the precise landscaping details would be a reserved matter, the potential has been demonstrated to show a Biodiversity Net Gain as confirmed in the Ecology Statement of Common Ground³. A Habitat Management and Monitoring Plan could be required to provide detailed management prescriptions to ensure the existing and created habitats reach the desired state.
37. I therefore find that the proposal would not harm protected species or their habitat and would provide a Biodiversity Net Gain. Accordingly, the proposal would not conflict with Policy DP38.

³ Paragraph 1.11

The effect of the proposal on the settings of heritage assets

38. Policy DP34 supports the protection of listed buildings and their settings as well as non-listed buildings which have architectural or historic merit.
39. Policy DP35 requires development in a conservation area conserves and enhances its special character, and also seeks to protect their setting in particular views into and out of the area.
40. Historic England's 'Good Practice Advice on the Setting of Heritage Assets' states⁴ the importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance. The definition of setting in the Framework also refers to the setting as the surroundings in which the asset is experienced. The Planning Practice Guidance on 'Historic environment' highlights that the extent and importance of setting includes visual factors as well as experiences including the historic relationship. The Court of Appeal case involving Kedleston Hall⁵ shows that historical, social and cultural matters are relevant to the definition of setting, and that a direct physical or visual connection is not always necessary to form part of a setting.
41. The Grade II* listed Little Walstead Farmhouse⁶ is located to the north of the site. No party raised any concern about the effect of the proposal on its setting and at the Inquiry both parties stated that the appeal site did not form part of its setting. From my observations on site and the lack of any submitted evidence to indicate any connection, I reach a similar conclusion.

Grayfriars

42. This is the nearest historic asset to the appeal site and lies opposite its western corner. The list description⁷ suggests it dates back to circa 1830.
43. The significance and special interest is derived from its architectural details. However, both parties agree that it has had some changes and extensions, and I find that they detract from its original character.
44. The Appellant suggests it may have been linked to Gravelye Manor as a waymark or a lodge and related to the nearby poor houses/colony associated with the owner of the Manor, which lies away from the appeal site and in the opposite direction. Whilst the list entry suggests Grayfriars may possibly have been a toll house or lodge, nonetheless there was no clear evidence before the Inquiry to confirm its previous role.
45. I find its setting is formed by its garden/grounds, roads, houses opposite and the appeal site. This partial rural setting compliments the architecture and allows it to stand out in isolation on a prominent corner, however both aspects are diminished by the width of the road and the extent of the nearby twentieth century houses. In addition, a conservatory and garage have been built in its grounds, which divert attention away from the original structure particularly when experienced from the Walstead approach.

⁴ Paragraph 9

⁵ *Catesby Estates Ltd v Steer* [2018] EWCA Civ 1697

⁶ List Entry Number 1354878

⁷ List Entry Number 1025623

46. The appeal site makes a contribution to the setting by asserting a rural character, and the Council emphasises this importance bearing in mind the other detractors. However, a boundary wall obstructs it from the appeal site aspect and moreover its architectural detailing does not overlook/address the appeal site rather it appears orientated to the side. The intervening road is also a division. I therefore find that the appeal site makes a limited contribution to the setting of the asset.
47. The proposed houses would be visible and whilst they would attract attention away from the listed building, being set back the effect would be very limited. There would be a loss of the grass fields and that rurality, but the through road impairs such setting. I therefore find that the proposal would lead to limited harm.

Tythe Cottage

48. This is located towards the eastern side of the appeal site, furthest away from Lindfield. It is an isolated rural cottage set within an open garden.
49. The significance and special interest is derived from the architectural details, simple form, modest scale and rustic materials. The list description⁸ notes its ground floor red brick and upper storey in timber weather boarding.
50. Its setting is formed by its garden, surrounding fields and the nearby Walstead Grange. The setting contributes to its character as there is a sense of rural isolation which complements its rustic architecture and harmonises in a rural idyl.
51. The appeal site is part of the swath of the Cottage's countryside setting and there is intervisibility, indeed its white timber boarding is prominent. The Lindfield Tithe Map shows it was in a different ownership from the appeal site and there was no evidence before the Inquiry to show a functional connection.
52. The proposal would leave the nearest field as open space. Nonetheless the new houses would have a presence which would undermine the rural isolation of the Cottage, albeit the ridgeline, hedge and an existing group of trees would help lessen the visual impact.
53. The open space would have new planting, which is envisaged to follow the existing character and would be beneficial. Whilst the proposal would allow public access, supported by grass mown paths, I would not expect the public presence to be intensive so as to change the inherent tranquil character. I therefore find that the provision of the public open space and landscaping would not be harmful.
54. I therefore conclude that the proposal would cause limited harm to Tythe Cottage.

Walstead Grange

55. This is a non-designated heritage asset, and both parties agree that it is high value within that parameter. Paragraph 216 of the Framework requires consideration of the effect of the proposal on its significance and a balanced judgment needs to be made having regard to the scale of any harm.
56. Its significance and special interest is derived from its architecture. The Appellant's Heritage Statement suggests the original building probably dates from the sixteenth century with a nineteenth century addition. The latter is a very large and

⁸ List Entry Number: 1180964

distinct classical style extension, which clearly shows an interesting historic evolution of the building, even though the two elements appear discordant.

57. Its setting is derived from its grounds and the surrounding fields, including the appeal site and Tythe Cottage. A disused tennis court and swimming pool are within the grounds, which are unsightly and detract from its setting.
58. The proposed houses would be evident from the Grange but would be distanced, so the impact would be limited. Moreover, it does not appear to have been designed to take in the views towards the appeal site, and the detracting tennis court and swimming pool form the foreground for this aspect.
59. I therefore find that there would be some loss to the setting of the Grange, but very limited harm would result.

Lindfield Conservation Area (CA)

60. The CA as amended in 1998 covers much of the built up part of the village. The Council has published 'Conservation Areas in Mid Sussex' from which they quote: 'Lindfield has a strong individual village identity with a pond, a common, a church dating from the 13th century and a High Street'. The Council suggest the significance of Lindfield Conservation Area lies in its nature as a historic Sussex village which has grown up over many centuries in close connection with the surrounding landscape.
61. In terms of a functional relationship to setting, the Council comment that the countryside, including the appeal site, would have generated wealth thereby supporting the establishment of shops and buildings in the high street. The above document indeed notes the range and richness of the village's architecture.
62. The setting of the CA includes the countryside edge to Lindfield. The appeal site is outside the designated area, but contributes to the setting, as it forms some of the dynamic views of the countryside approach to the CA. In addition, both parties agree the appeal site is 140m away from the CA, whereby on the B2111 there is some intervisibility. Also, there is intervisibility from the slightly elevated The Old Common, particularly from the primary school environs.
63. The Council highlight that the separation of the appeal site from the CA does not mean its effect should not be considered. Reference is made to an appeal decision⁹, whereby in spite of a larger intervening distance, approximately 180m, and the presence of intervening development, that Inspector found the appeal site contributed to the CA's character and appearance. I note this in principle.
64. From the 140m point, the appeal site contributes to the CA's setting by glimpsed, narrow views, which suggest a rural impression, but this is not strong as it is experienced from the roadside and with intervening modern buildings. Similarly, the dynamic views on the countryside approach to the CA are not enhanced by the built up edge of the village.
65. From The Old Common the appeal site is visible on the skyline, but it is a small component of the view.

⁹ APP/D3830/W/20/3261311

66. I acknowledge the Council comment about the countryside generating wealth to support its historic development. However, whilst this is likely, it is not unusual. Moreover, modern development has eroded the relationship with the countryside, in particular, the spread of houses around The Old Common, so it is now difficult to perceive a functional and cultural relationship between the countryside and village's historic growth.
67. I therefore conclude that the appeal site makes a limited contribution to the setting of the Conservation Area.
68. The new houses would be perceived in the dynamic views from the road into/out of the CA and would harm the rural setting. Similarly, the houses would be visible in the glimpses out/into the CA on the through road and The Old Common. The new houses and associated roads would undermine the rural setting, albeit the harm would be limited due to the visibility of the appeal site.
69. The site is currently rough grassland, open, gently undulating, with an informal scattering of large trees particularly oaks. These could be suggestive of a parkland character, however the Council disputed whether historically the site was parkland and also whether it is currently. In any event, it is not necessary for me to reach a conclusion on this point, as the proposed open space, aside from the play area and a peripheral orchard, would be low key grass mown paths, maintained grassland and a scattering of additional trees, rather than a formalised designed landscape. Such a planting strategy would maintain the existing character and additionally the landscaping details would be a reserved matter requiring the Council's approval. Therefore, I find that the proposed planting would be beneficial to the character and appearance of the CA and the public access to the proposed open space would not be harmful.

Conclusion on setting of heritage assets

70. I find that the proposal would cause 'less than substantial' harm to the heritage assets.
71. In terms of listed buildings, section 66 of the 1990 Act, requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Whilst section 72 of the 1990 Act refers within a conservation area, paragraph 208 of the Framework emphasises the importance of setting to designated heritage assets. This includes conservation areas, which is also affirmed by Policy DP35.
72. Paragraph 212 of the Framework advocates great weight to the designated asset's conservation. Paragraph 216 highlights the need to consider the significance of non-designated heritage assets. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below.
73. As I have found harm to the heritage assets, the proposal would conflict with Policies DP34 and DP35.

Other Matters

74. Concern was raised about the effects of surface water run-off resulting from the hard surfacing as the appeal site is above the Scamps Stream which drains a substantial part of the village. There have been occurrences whereby the Stream has overflowed threatening adjacent businesses and homes, although a concrete/

brick wall has been built alongside the stream to potentially deflect flood water. The appeal proposal would accommodate the immediate surface water runoff from the site. The Flood Authority have no objection and based upon the evidence submitted to the Inquiry I find that the proposal would not exacerbate flood risk.

75. There were concerns about the safety of the access which would be just inside a 40mph limit. However, this would be sited on the crest of a rise which would allow good visibility in both directions. The visibility splays have been plotted and shown to comply with the necessary safety standards. Similarly, the access geometry has been shown to meet accepted standards. The Transport Assessment calculates the traffic generation associated with 90 dwellings and was agreed with the Highway Authority.
76. Concern was also raised about the Lewes Road junction towards the High Street and beyond the appeal site. However, the traffic arising from the development would not be expected to significantly pressure this junction.
77. Some of the local residents suggested that walking and cycling would not be supported by the proposal. It was suggested the footpath on the southern side of the road, opposite the appeal site, is not ideal and would have to be crossed. However, the proposal includes a 3m wide cycleway/ footway parallel to the road and within the site. This would then lead to a safe crossing point of the road, on the edge of the 30mph limit. Both main parties suggest a condition on its provision, and I therefore find that the site would have good accessibility and connectivity. I note the extent of recent (Bovis) development near the Walstead side of the site and this proposal would have at least as good accessibility to the Lindfield facilities. Haywards Heath is also close by and offers national high street retailers, a mainline station and hospital. I therefore find that the appeal site is in an accessible location and the proposal would comply with Policy DP25 which requires new development is alongside community services.
78. Concern was raised about the extent of recent new development however that in itself would not preclude this proposal. Much would depend upon the nature of the site, its accessibility and the facilities available locally. In any event the land supply shortfall requires further development in the Council's area.
79. It was also suggested that the development was premature pending a review of the Local Plan however the site is capable of absorbing the development and would be well served by local facilities. The proposal would not jeopardise the future strategy for growth.
80. Concerns were raised about the air quality being degraded by the proposal. However, there is no air quality management zone here and traffic arising from the new houses would be limited compared with existing flows.
81. There is also concern that the proposal would involve the loss of agricultural land. The site is very rough grassland and was being grazed by sheep at the time of my visit, but there was no evidence before the Inquiry that the land has been farmed intensively recently. It is segregated from other land holdings by woodland, the village and the road, which would limit its potential intensive use. The size of the lost fields would also be insignificant in terms of food security and production. The open space would have to be managed and potentially this could be used for grazing.

82. Parts of Ashdown Forest SAC and SPA are within the Council's administrative area. These are noted for various scarce species and distinctive habitat, which are protected under The Conservation of Habitats and Species Regulations 2017, and a review of the new housing is necessary together with other additional growth. Policy DP38 seeks to avoid damage, protect and enhance Special Protection Areas and Special Areas of Conservation.
83. The heathland habitats of the Ashdown Forest SAC are vulnerable from atmospheric pollution from several sources including vehicle emissions from increased traffic associated with new development on the roads which go through or run adjacent to it. Many of the characteristic plants, mosses and lichens of heathland habitats are adapted to nutrient poor conditions. Additional nitrogen could disadvantage these characteristic species in favour of others with a greater tolerance of higher nitrogen levels.
84. The SPA is vulnerable from added recreational pressure, particularly dog walking, causing disturbance, trampling and damage to nests of the near ground and ground nesting birds including Dartford Warblers and European Nightjars.
85. The proposed 90 houses, together with other growth, would increase the number of people seeking areas for recreation. The visitor surveys carried out in liaison with Natural England demonstrate that residents living within 7km of the Ashdown Forest are likely to visit it leading to disturbance. The Council confirm this appeal site is more than 7km away and I therefore find the proposal would not be likely to generate significant visitors to the Forest.
86. I therefore find that the proposal would not lead to vehicles generating air pollution to affect the integrity of Ashdown Forest SAC or from visitor impacts on the Ashdown Forest SPA on nesting birds.
87. In conclusion, the scheme would not harm the SPA or the SAC and accords with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). Similarly, the proposal would not conflict with Policy DP38.

Planning Obligations

88. The 2010 CIL Community Infrastructure Levy Regulations (CIL) and paragraph 58 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
89. Policy DP20 in the District Plan refers to infrastructure provision. The Council's adopted supplementary planning document entitled 'Development Infrastructure and Contributions', October 2019, sets out the basis for calculating infrastructure contributions and the thresholds. The s106 was agreed by both parties.
90. The pressure from new residents on community buildings could be addressed by several potential projects identified in the CIL Compliance Statement. The scout's hut is available for parties and there are plans for a new kitchen, toilets, and showers. The Old Fire Station and its open space could be adapted to increase use and there is planning permission for a new community centre at Barn Cottage

Recreation Ground. A formula for calculating the increased need and size of the contribution is provided within the obligation.

91. The CIL Compliance Statement confirms that the formal sport contribution would go to improvements at Lindfield Common or Hickmans Lane, both of which are close to the appeal site, and thereby would help meet the needs of the new residents. Similarly, the local community infrastructure contribution would be used towards an extension to increase capacity at Walstead or improvements to street lighting to increase pedestrian activity. Both these contributions are calculated using a formula according to house size.
92. Additional primary and secondary school capacity would need to be expanded to serve the occupants of the new houses, and a county wide-standard formula is provided in the s106 for an appropriate contribution. A similar formula is also included for a library contribution to allow expansion of facilities for the increased demand.
93. The s106 has a requirement for a travel plan, which together with its necessary audit fee, and total access requirement, would promote low carbon travel. There is also provision of a safety audit of highway works and their necessary completion. A monitoring fee is also included to meet the additional staffing costs resulting from the measures in the s106.
94. In accordance with Policy DP31 30% of the new houses would be affordable homes. Affordable housing is controlled within the s106 to ensure that the development contributes to the need of the area. Provision is also included for a wheelchair accessible home. A requirement for compliance with national space standards would ensure that the new homes are satisfactory for modern living.
95. The s106 includes provision of the management of open space, provision of a LEAP and orchard which are necessary for the character and appearance of the area and the well-being of local residents. Provision is made for Biodiversity Net Gain.

Housing Land Supply and planning benefits

96. The Council suggest they have 3.38 years housing land supply, whereas the Appellant suggests it is 2.41 years¹⁰. The variation is due to the differences in anticipated delivery of various large sites. However, as both parties agreed to describe the shortfall as significant, the issue was not contested at the Inquiry.
97. The Council has a good record of maintaining land supply, which was acknowledged by the Inspector determining the recent Aldbourne appeal¹¹. Similarly, the Council scored 142% in the recent Housing Delivery Test, which is notable. Moreover, the Emerging Local Plan will be allocating new sites and additional staff have been appointed to work on large strategic applications. I therefore find that there are good prospects for the shortfall being remedied in the future.
98. The 90 new houses would be a substantial benefit to the area bearing in mind the shortfall in housing land supply.

¹⁰ Council closing paragraph 8

¹¹ APP/D3830/W/23/3319542

99. The median affordability ratio of house prices to earnings in Mid Sussex is 12 which is above the South East Regional average and substantially higher than that nationally. There are 2,099 on the district housing register and 88 households specified Lindfield as their preferred choice. The 30% affordable homes element of the proposal, up to 27 homes, would help towards the pressing local need and support the well-being of the community as a whole. The proposal would provide an acceptable standard of everyday living for those currently waiting for suitable homes. This adds to the substantial benefit above of new housing provision.
100. Both main parties agree that the proposal can provide a Biodiversity Net Gain, which would be a limited benefit¹².
101. The proposal would dedicate an extensive open space which would be accessible to local residents particularly those in the newer development to the south. It would contribute to a network of accessible green spaces in and around the village, which would be a moderate benefit.
102. There was debate at the Inquiry whether the surface water attenuation would be a mitigation or a benefit. I conclude the former as its size would address the effect of new hard surfaces.

Heritage and Planning balances

103. As I have found above the proposal would harm the listed buildings, contrary to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the setting of the Conservation Area as well as the non-designated heritage asset.
104. Whilst the harm arising would be less than substantial; however, Paragraph 212 of the Framework advocates great weight to the asset's conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below. In addition, paragraph 213 of the Framework emphasises that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Paragraph 215 states where a development will lead to less than substantial harm to the significance of an asset, the harm should be weighed against the public benefits, including securing its optimum viable use.
105. Taking the above public benefits together as a whole I conclude that they would be of sufficient weight to outweigh the harm identified to the significance and special interest of the designated heritage assets and non-designated heritage asset.
106. The proposal would not conflict with Policy DP38 in terms of biodiversity, DP26 in respect of design and DP37 in consideration of trees and hedges. Whilst it would accord with DP20 and DP25 being accessible and providing reasonable facilities for the occupants, it would be contrary to Policies DP6, DP12, DP15 and NP1 being outside the built up boundary. The loss of the green fields would also be a negative impact on the character and appearance of the area, contrary to DP12. There is also conflict with heritage Policies DP34 and DP35.
107. Considering the above collectively, there is some accordance but also some conflict with the Development Plan policies which are the most important in this

¹² Having regard to *Vistry Homes v Secretary of State for Levelling Up Housing and Communities* [2024] EWHC 2088 (Admin)

appeal. When taken as a whole, I find that the proposal would be contrary to the Development Plan.

108. The Council is working on the Emerging Mid Sussex District Plan. This currently has some unresolved objections and both parties affirm that it is to be afforded only limited weight¹³. In any event the policies in the Emerging Plan do not lead me to a particular decision.
109. As I noted above there is a shortfall in housing land supply and in such circumstances paragraph 11(d) of the Framework is triggered. Paragraph 11(d) criterion ii requires consideration of whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
110. Paragraph 7 of the Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. In order to achieve this paragraph 8 of the Framework provides three overarching objectives: economic, social and environmental.
111. In terms of the economic objective the proposal would provide up to 90 dwellings which would have benefits from their construction. The Housing Land Supply shortfall is suggested as significant, and paragraph 61 of the Framework confirms the Government's objective of significantly boosting the supply of homes.
112. In terms of the social objective, the Framework refers to the need to provide sufficient number and range of homes to meet the needs for present and future generations. Bearing in mind the shortfall in sites for housing there is a pressing need to increase supply from deliverable sites. The proposal would provide a range of new homes.
113. The affordable housing would also contribute to the social objective, particularly as 30% of the dwellings would be affordable which is a significant proportion.
114. In terms of the environmental objective the proposal would not harm the character and appearance of the area. The occupants of the dwellings would be close and accessible to facilities without being wholly reliant upon car use, thereby helping towards low carbon living as advocated within this criterion of paragraph 8. Additionally, the proposal has been demonstrated to potentially improve biodiversity, which would be a benefit.
115. The Lindfield Society suggest that the housing land supply should not dictate this appeal outcome and point to an appeal decision in Ninfield, Wealdon¹⁴ dismissed despite 3.8 years supply. However, I note that Inspector found the development would result in substantial harm to the character and appearance of the area, which is different to my conclusion here. I also acknowledge the point from The Lindfield Society that, even with the housing land supply situation, the current Development Plan still has to be considered¹⁵, but I consider that it warrants only limited weight.
116. In the light of the above, I therefore conclude that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when

¹³ Statement of Common Ground paragraph 3.3.2

¹⁴ APP/C1435/W/23/3331659

¹⁵ Gladman Developments Limited v Secretary of State for Housing, Communities and Local Government and Corby Borough Council and Uttlesford District Council Ref: [2021] EWCA Civ 104

assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development. The benefits of the proposed development and presumption in favour of sustainable development in the context of the paragraph 11(d) balance therefore lead me to conclude that the appeal should be approved not in accordance with the Development Plan as material considerations indicate a decision otherwise is appropriate.

Conditions

117. Paragraph 57 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. The Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly. There was considerable agreement on the suggested wording of conditions.
118. Conditions on the timing of commencement, the list of approved plans and particular reserved matters would provide clarity and certainty. The status of the Framework Plan is also confirmed by condition, which helpfully sets out the parameters for the development.
119. Conditions are necessary to set out the requirements for the landscaping reserved matters. Similarly, a condition on materials is necessary to ensure that the houses are sensitive to the site's context.
120. The conditions requiring submission and approval of a Construction Method Plan and working hours would avoid unreasonable disturbance to those living nearby and using the surrounding roads. Conditions on potential remediation of any land contamination and pollution are needed to protect the health of new residents. A condition on compliance with the air quality report is also needed for the health and well-being of the new residents.
121. Details of finished floor levels, surface water drainage, potential access to the stream and verification would ensure that the development does not exacerbate flooding or put new residents at risk. Provision of foul water facilities are a basic requirement of everyday living. A condition requiring a minimum of 20 percent of the dwellings meet national standards for accessibility and adaptability would help the long term living standards of the occupants and their visitors.
122. A condition is needed to ensure the implementation of roads and their associated footways. In addition, a condition is needed to secure the provision of a footway through the site to help accessibility of the new residents to local services as I have found above.
123. An archaeological investigation condition is necessary to ensure that any significant remains are properly recorded, to inform the heritage interest of the area.
124. A condition [23] requires that mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Dormouse Outline Mitigation Strategy and the appointment of an ecological clerk of works, which would safeguard their prospects. Whilst re-worded, this would overlap with

the suggested condition on the prevention of commencement of any works which would impact the breeding/ resting place of any Hazel Dormouse and is not so imposed. In addition, conditions are necessary to manage the development in respect of the potential for newts. As I have found above conditions are needed on the ecological management of the development process, promotion of biodiversity and control of external lighting in the interest of wildlife. A condition is warranted on updated surveys in case the implementation of the development is not timely.

Conclusion

125. I therefore conclude that the appeal should be allowed subject to the conditions in the conditions annex below.

John Longmuir

INSPECTOR

Appearances

For the Council

Graeme Keen, Kings Counsel, Landmark Chambers

Gareth Giles BA(Hons) FRTPI, Planning Director, Whaleback Ltd

Emily Wade MA MSc Conservation Officer

For the Appellant

Christian Hawley, Counsel, No.5 Chambers

John Mackenzie DipTP, MRTPI, Planning Director, Gladman Developments Limited

Gail Stoten BA, PgCert, MCIfA, FSA, Heritage Executive Director, Pegasus Planning

Gary Holliday BA(Hons), M Phil, FLI, Director, FPCR Environment and Design Ltd

Dr Suzanne Mansfield BSc(Hons), Phd, CIEM, CMLI, Senior Director, FPCR Environment and Design Ltd

Local residents and interested parties

John Dawson, Lindfield Society

Paul Brown Councillor Mid Sussex District Council

Christian Bode Lindfield Parish Council Chairperson

Hela Kingdom Local resident

Anna Kingdom Local resident

Robert Kingdom Local resident

Lorraine Carvalho Local resident and Councillor Mid Sussex District Council

Documents submitted during the Inquiry

Appellant opening

Council opening

Statement from John Dawson for The Lindfield Society

Statement from Councillor Paul Brown

Little Wastead Farmhouse: List Entry description

Bovis Homes Wastead development location plan

Suggested conditions

Council closing

Vistry Homes v Secretary of State for Levelling Up Housing and Communities [2024] EWHC 2088 (Admin)

Appellant closing

Conditions annex

1. Approval of the details of the appearance, layout, scale and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
3. The development hereby permitted must be begun either not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. The detailed design of the development proposed through Reserved Matters applications pursuant to this outline planning permission shall have regard to, and broadly accord with, the principles set out in the Illustrative Framework Plan 9432-L-02 Rev V.
5. The details to be submitted in respect of landscaping pursuant to Condition 1 shall include a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include tree and hedge retention and protection measures, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities and; an implementation programme.

The approved scheme of soft landscaping works shall be implemented in accordance with the approved implementation programme. Any planting removed, dying or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species.

6. The details to be submitted in respect of landscaping pursuant to Condition 1 shall include a hard landscaping scheme for the site. These details shall include proposed finished levels and contours; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and any other structures (for example refuse and / or other storage units, lighting and similar features).

The works shall be carried out in accordance with the approved details.

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

8. The development shall be carried out in accordance with the following:

- All 'more vulnerable' development, including residential and access to the site, will be located within Flood Zone 1 only.
- In line with the Environment Agency's standing advice, finished floor levels will be set 0.3m above ground level or average flood level, whichever is higher.
- An access route for use and transport of plant/machinery to the full length of the Scrase Stream (northwest of site) shall be designed, in communication with the Environment Agency, into the proposed development.

These mitigation measures shall be fully implemented in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

9. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the Local Planning Authority. No dwelling or part of the development shall be occupied until all the approved drainage works relating to that dwelling or part of development have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.

10. No dwelling or part of the development is to be occupied, or brought into use, until a Verification Report pertaining to the surface water drainage system relating to that dwelling or part of the development, carried out by a qualified Engineer, has been submitted to and approved in writing by the Local Planning Authority. The Verification Report shall demonstrate the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets, and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features. The Verification Report should also include an indication of the adopting or maintaining authority or organisation.

11. No part of the development shall be first occupied until such time as the vehicular and pedestrian accesses, including the ancillary lengths of footway, serving the development have been constructed in accordance with the details shown on the drawing titled Proposed Access Arrangements and numbered 1723/08 revision B.

12. The development hereby permitted shall not commence until details of the proposed 3m wide footway and cycleway, shown indicatively on Proposed Access Arrangements drawing reference 1723/08 revision B, have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the footway and cycleway has been constructed in accordance with the approved details.

13. No development shall take place until a Construction and Environmental 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 and use 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);
- details of public engagement both prior to and during construction works, including site contact details in case of complaints;
- measures to control noise and vibration affecting nearby residents;
- artificial illumination;
- pollution incident control; and
- dust control measures;

14. Works of construction or demolition, including the use of plant and machinery, and deliveries 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

15. The details submitted in respect of landscaping pursuant to Condition 1 shall include details of a Locally Equipped Area of Play (LEAP), its layout, drainage and fencing.

16. Archaeological Evaluation and Excavation:

(i) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

(ii) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the Written Scheme of Investigation defined in Part 1 and confirmed by the Local Planning Authority.

(iii) A mitigation strategy detailing the excavation / preservation strategy shall be submitted to the local planning authority following the completion of the archaeological evaluation.

(iv) No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy, and which has been approved in writing by the Local Planning Authority.

(v) The applicant will submit to the Local Planning Authority a post excavation assessment to be submitted within six months of the completion of the fieldwork. This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

17. Prior to the commencement of development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the Local Planning Authority:

a) A site investigation, based on the Phase 1 Geoenvironmental Assessment (desktop study) conducted by Lees Roxburgh Consulting Engineers, reference number: 6534/R1, dated February 2024, 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 (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

18. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR136, or a 'Further Licence') and with the proposals detailed on plan "Land off Scamps Hill: Impact plan for great crested newt District Licensing (Version 1)", dated 20th November 2024.

19. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR136, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the Local Planning Authority and the Authority has provided authorisation for the development to proceed under the district newt licence.

The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

20. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR136, or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.

- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

21. Prior to commencement of any development, including any works of demolition a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (to be provided as a set of method statements, in particular for Otter and other riparian mammals, reptiles and breeding birds).
- 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.

22. Prior to the commencement of any development above ground/slab level, a Biodiversity Enhancement Layout and implementation scheme, providing the finalised details and locations of the enhancement measures contained within the Ecological Impact Assessment (EcIA) Rev A (FPCR Environment and Design Ltd, July 2024) shall be submitted to and approved in writing by the Local Planning Authority.

The enhancement measures shall be implemented in accordance with the approved details and implementation scheme and all features shall be retained in that manner thereafter.

23. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Dormouse Outline Mitigation Strategy (FPCR Environment and Design Ltd., October 2024), Letter to Place Services (FPCR Environment and Design Ltd., 8th October 2024) and Ecological Impact Assessment (EcIA) Rev A (FPCR Environment and Design Ltd., July 2024)), as already submitted with the planning application.

This will include the appointment of a qualified ecologist, prior to any works on site, as an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall ensure that all activities, and works shall be carried out, in accordance with the approved details and that any lost habitats are mitigated.

24. The development hereby permitted shall not be first occupied until a lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the implementation timetable, 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.

25. The development hereby permitted shall not be first occupied 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.

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

27. No dwelling shall be occupied until fire hydrants have been provided in accordance with details to first be submitted to and approved in writing by the Local Planning Authority.

28. A minimum of 20 percent of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations). These shall be fully implemented prior to completion of the development and thereafter be so maintained and retained. The relevant dwellings shall not be occupied until a verification report confirming compliance with category M4(2) has been submitted to and agreed with the Local Planning Authority.

29. All works within section 4 of the Air Quality mitigation Statement by Air Quality Consultants Ltd, ref: J20/14967A/10/3, dated February 2024, shall be completed before any part of the development is occupied.

30. If the development hereby approved does not commence within 12 months from the date of the planning consent, the approved ecological mitigation measures secured

through condition shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to:

- i. establish if there have been any changes in the presence and/or abundance of protected species, in particular Otter, and habitats
- ii. identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

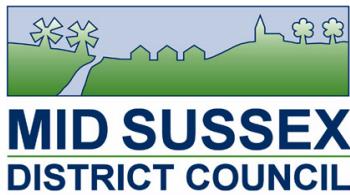
31. The development hereby permitted shall be carried out in accordance with the plans listed below:

Location Plan 9432-L-06-D received 19th February 2024

Proposed Access Arrangements 1723/08/B received 15th April 2024

End of conditions

Appendix 2



Oaklands Road
Haywards Heath
West Sussex
RH16 1SS

Switchboard: 01444 458166
Fax: 01444 477461

DX 300320 Haywards Heath 1
www.midsussex.gov.uk

Mr P Jones
Mr Matthew Cook
RDjW Architects Limited
Quion House
9-11 East Park
Crawley
West Sussex
RH10 6AN

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

PERMISSION

REFERENCE: DM/17/2857

DESCRIPTION: PROVIDE A 4 BED SINGLE STOREY HOUSE WITH A DOUBLE GARAGE AND PATIO WITH WATER FEATURE TO THE REAR OF THE PROPERTY WITH SEPARATE ENTRANCE AND ACCESS ROAD (UPDATED TRANSPORT INFORMATION RECEIVED 22 SEPTEMBER 2017)

LOCATION: 42 HAMMERWOOD ROAD, ASHURST WOOD, EAST GRINSTEAD, WEST SUSSEX

DECISION DATE: 1 DEC 2017

CASE OFFICER: MR ANDREW WATT - ANDY.WATT@MIDSUSSEX.GOV.UK

The Council hereby notify you that they **GRANT** planning permission for the above development to be carried out in accordance with the submitted application and plans and subject to compliance with the following 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. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. No development shall commence until a schedule and/or samples of materials and finishes to be used for the external walls, windows and roofs of the proposed dwelling have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

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 B1 of the Mid Sussex Local Plan, Policy ASW14 of the Ashurst Wood Neighbourhood Plan and Policy DP24 of the draft Mid Sussex District Plan.

4. No development shall commence until details of proposed boundary screen walls/fences/hedges have been submitted to and approved in writing by the Local Planning Authority and the dwellings hereby permitted shall not be occupied until such boundary screen walls/fences/hedges associated with them have been erected or planted. The boundary treatments approved shall remain in place in perpetuity or unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the appearance of the area and protect the amenities of adjacent residents and to accord with Policies B1 and B3 of the Mid Sussex Local Plan, Policy ASW14 of the Ashurst Wood Neighbourhood Plan and Policy DP24 of the draft Mid Sussex District Plan.

5. No development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which 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, and these works shall be carried out as approved.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan, Policy ASW14 of the Ashurst Wood Neighbourhood Plan and Policy DP24 of the draft Mid Sussex District Plan.

6. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy B1 of the Mid Sussex Local Plan, Policy ASW14 of the Ashurst Wood Neighbourhood Plan and Policy DP24 of the draft Mid Sussex District Plan.

7. The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. The building shall not be occupied until all the approved drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy CS13 of the Mid Sussex Local Plan and Policy DP41 of the draft Mid Sussex District Plan.

8. No development shall commence until details of existing and proposed site levels have been submitted to and approved in writing by the Local Planning Authority. Development shall not be implemented otherwise than in accordance with such details.

Reason: For the avoidance of doubt and to ensure that the development does not prejudice the amenities of adjacent residents or the appearance of the locality and to accord with Policies B1 and B3 of the Mid Sussex Local Plan and Policy ASW14 of the Ashurst Wood Neighbourhood Plan.

9. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
 - o the anticipated number, frequency and types of vehicles used during construction,
 - o the method of access and routing of vehicles during construction,
 - o the parking of vehicles by site operatives and visitors,
 - o the loading and unloading of plant, materials and waste,
 - o the storage of plant and materials used in construction of the development,
 - o the erection and maintenance of security hoarding,
 - o the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - o details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy T4 of the Mid Sussex Local Plan and Policies DP19 and DP24 of the draft Mid Sussex District Plan.

10. Demolition or construction works, including the operation of plant and machinery necessary for the implementation of this consent shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of nearby residents and to accord with Policy B3 of the Mid Sussex Local Plan and Policy DP24 of the draft Mid Sussex District Plan.

11. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety and to comply with Policy T4 of the Mid Sussex Local Plan and Policy DP19 of the draft Mid Sussex District Plan.

12. The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety and to comply with Policy T4 of the Mid Sussex Local Plan and Policy DP19 of the draft Mid Sussex District Plan.

13. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and to comply with Policy T4 of the Mid Sussex Local Plan and Policy DP19 of the draft Mid Sussex District Plan.

14. No part of the development shall be first occupied until maximum achievable visibility splays have been provided at the site vehicular access onto Hammerwood Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to comply with Policy T4 of the Mid Sussex Local Plan and Policy DP19 of the draft Mid Sussex District Plan.

15. No development shall take place until details of covered and secure cycle parking spaces have been submitted to and approved in writing by the local planning authority. The facilities as approved shall be provided prior to any occupation of the dwelling hereby permitted and shall be retained for their designated use thereafter.

Reason: To provide alternative travel options to the use of the car and to comply with Policy T6 of the Mid Sussex Local Plan and Policy DP19 of the draft Mid Sussex District Plan.

16. The development shall be carried out in accordance with the Sustainability/Energy Efficiency Statement submitted with the application. The dwellings hereby permitted shall not be occupied until an independent final report, demonstrating that the proposals in the Statement have been implemented, has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development, in accordance with Policy B4 of the Mid Sussex Local Plan, Policy DP39 of the draft Mid Sussex District Plan and the National Planning Policy Framework.

17. No development shall take place until a scheme for the mitigation of the effects of the development on the Ashdown Forest Special Protection Area (SPA) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall either make provision for the delivery of a bespoke Suitable Alternative Natural Greenspace (SANG) or make provision for the payment of an appropriate financial sum towards the maintenance and operation of a SANG leased and operated by the Local Planning Authority. In the event that the scheme approved by the Local Planning Authority is for the physical provision of a SANG, no dwelling shall be occupied before written confirmation has been obtained from the Local Planning Authority that the SANG has been provided in accordance with the approved scheme. In the event that the scheme approved by the Local Planning Authority does not relate to the physical provision of a SANG, no development shall take place

before written confirmation has been obtained from the Local Planning Authority that the financial sum has been provided in accordance with the approved scheme.

Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a likely significant effect on a European site within the Conservation of Habitats and Species Regulations 2010.

INFORMATIVES

1. 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: <http://www.midsussex.gov.uk/9276.htm> (Fee of £97 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.
2. 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.
3. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- . No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

4. In accordance with Article 35 of the 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.
5. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
6. The applicant is advised that to satisfy condition 17 above there are likely to be two options:

The first is to provide, lay out and ensure the maintenance of, in perpetuity, of a Suitable Alternative Natural Greenspace (SANG). Any potential sites for SANG will need to meet Natural England's guidelines for SANGs and the suitability of a

potential site for SANG will be considered on a site specific basis. The achievement of a SANG is likely to be through the mechanism of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 as amended.

The second is to enter a form of agreement with the Local Planning Authority pursuant to Section 1 of the Localism Act 2011 and such other enabling powers in relation to the payment of an appropriate financial sum towards the Council's existing SANG by way of mitigation. The appropriate sum will be calculated in accordance with the latest policy - currently the East Court and Ashpats Wood Suitable Alternative Natural Greenspace Strategy October 2014.

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
Location Plan	001	-	07.07.2017
Block Plan	002	C	07.07.2017
Site Plan	003	A	22.09.2017
Proposed Floor Plans	006	B	07.07.2017
Proposed Roof Plan	007	A	07.07.2017
Proposed Elevations	010	A	07.07.2017
Proposed Elevations	011	A	07.07.2017
Proposed Elevations	012	-	07.07.2017
Highways Plans	70038587- ATR-001	C	22.09.2017
Highways Plans	70038587-SK- 001	C	22.09.2017



Divisional Leader for Planning and Economy

NB: IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS FORM

PEFULZ

APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice;

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Date: 1st December 2017

MID SUSSEX DISTRICT COUNCIL

DM/17/2857

42 Hammerwood Road, Ashurst Wood, East Grinstead, West Sussex, RH19 3TG

Provide a 4 bed single storey house with a double garage and patio with water feature to the rear of the property with separate entrance and access road (Updated transport information received 22 September 2017)

Mr P Jones

CONSULTATIONS

Parish Consultation

DM/17/2857

Location: 42 Hammerwood Road Ashurst Wood West Sussex RH19 3TG

Description: Provide a 4 bed single storey house with a double garage and patio with water feature to the rear of the property with separate entrance and access road.

Recommend: No objection subject to information requested by Highways being supplied.

CONSULTATIONS

Parish Consultation

Dear Sir,

I should be pleased if you would note that at a recent meeting of the Council's Planning Committee, the council made the following comment:

DM/17/2857

Location: 42 Hammerwood Road Ashurst Wood West Sussex RH19 3TG

Description: Provide a 4 bed single storey house with a double garage and patio with water feature to the rear of the property with separate entrance and access road (Updated transport information received 22 September 2017)

Recommend: No objection subject to the Highways Officer's approval of access arrangements. However the Tree Officer's objections to the application are noted.

Yours sincerely

SUMMARY OF REPRESENTATIONS

15 letters of objection: drawings incorrect; loss of visual amenity; access and visibility problems; damage to and loss of trees; too tall; overshadowing; overlooking.

SUMMARY OF CONSULTATIONS

MSDC Drainage Engineer

No objection, subject to condition.

MSDC Street Naming and Numbering Officer

Informative requested.

MSDC Tree Officer

Objects.

WSCC Highways

No objection on balance, subject to conditions and informative.

INTRODUCTION

Full planning permission is sought for the erection of a new detached dwelling in the rear garden of 42 Hammerwood Road, together with a new access and driveway.

RELEVANT PLANNING HISTORY

In March 1997, planning permission was granted for the conversion of the existing garage and alterations to the existing building to provide additional living accommodation for 42 Hammerwood Road (GR/031/97).

In April 2016, planning permission was granted for the erection of a detached 4-bed split-level dwelling in the rear garden of 42 Hammerwood Road, together with new entrance and access road (DM/16/0796). This permission has not been implemented but remains extant.

SITE AND SURROUNDINGS

The site consists of a large 1.5-storey / 2-storey detached house arranged in a large L-shape with slightly taller garage (as converted) to the front, configured around a central parking courtyard. The property sits within a sizeable plot, both in width and particularly in depth, with land levels falling from the road to the southern end of the rear garden by approximately 10m (where it backs onto Lewes Road). The site is well screened, particularly at the southern end, where it also contains a variety of trees of varying ages and species.

The site is wholly within the High Weald Area of Outstanding Natural Beauty with the main garden area to the property being within the built-up area boundary of the village and the majority/remainder of the garden being within a Countryside Area of Development Restraint. The southern side of Hammerwood Road at this point consists of similar properties, albeit in narrower plots, and two have been historically subdivided with dwellings (Ashurst and Linden) accessed directly off Lewes Road.

APPLICATION DETAILS

Full planning permission is sought for the erection of a detached, 4-bed, split-level single-storey dwelling, with a detached double garage at grade with the driveway and turning area. As with the previous planning permission, the access point will be formed to the western end of the site,

entailing the loss of 4 trees, including a mature Eucalyptus. Some other trees further within the site will also be lost. None are protected by Preservation Orders.

The proposed dwelling will be of a more traditional design than previously, arranged around a central patio feature, with most principal windows facing inwards. Materials will be timber boarded elevations and roof tiles above with a series of rooflights (set flat at the crown of the roof) and PV panels.

LIST OF POLICIES

Mid Sussex Local Plan (MSLP) (May 2004)

G2 (sustainable development)
C1 (protection of the countryside)
C4 (Areas of Outstanding Natural Beauty)
B1 (design)
B3 (residential amenities)
B4 (energy and water conservation)
B7 (trees and development)
T4 (transport requirements in new developments)
T5 (parking standards)
T6 (cycle parking)
CS13 (land drainage)

Development and Infrastructure Supplementary Planning Document (Feb 2006)
Sustainable Construction Supplementary Planning Document (Jul 2006)

Ashurst Wood Neighbourhood Plan (Submission Version, Mar 2016)

Mid Sussex District Council formally 'made' the Ashurst Wood Neighbourhood Plan part of the Local Development Plan for the Parish of Ashurst Wood as of 30 June 2016. The policies contained therein carry full weight as part of the Development Plan for planning decisions within Ashurst Wood.

Relevant policies include:

Policy ASW1: Protection of the Countryside
Policy ASW2: Preventing Coalescence
Policy ASW5: Sites for New Homes
Policy ASW12: Residential Development outside the Built Up Area Boundary
Policy ASW13: Residential Development on Garden Land
Policy ASW14: Design and Character
Policy ASW20: Impact of New Development on Traffic
Policy ASW21: Parking Provision

Mid Sussex District Plan

The Submission District Plan 2014-2031 was submitted for Examination on 17th August 2016 and the Examination hearings have taken place. In his concluding comments to the District Plan Examination on 26th July 2017, the Inspector considered that there were grounds to proceed with adoption of the District Plan.

The Council completed consultation on the Main Modifications to the District Plan, that are required in order to make the plan sound, on 13th November 2017. The comments received has been sent

to the Inspector for his consideration. It is anticipated that the District Plan will be adopted in January 2018.

The most relevant policies, and the weight that can be attached to them, are:

Policy DP2: Sustainable Economic Development (little weight)
Policy DP5: Housing (little weight)
Policy DP6: Settlement Hierarchy (little weight)
Policy DP10: Protection and Enhancement of Countryside (significant weight)
Policy DP14: High Weald Area of Outstanding Natural Beauty (significant weight)
Policy DP15: Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) (little weight)
Policy DP19: Transport (little weight)
Policy DP24: Character and Design (little weight)
Policy DP25: Dwelling Space Standards (significant weight)
Policy DP36: Trees, Woodland and Hedgerows (some weight)
Policy DP39: Sustainable Design and Construction (little weight)
Policy DP41: Flood Risk and Drainage (some weight)

National Policy, Legislation and Other Documents

National Planning Policy Framework (NPPF) (Mar 2012)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently. An overall aim of national policy is to 'boost significantly the supply of housing.'

With specific reference to decision-taking, the document provides the following advice:

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The site is located within the High Weald Area of Outstanding Natural Beauty. Paragraph 115 states that:

"Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads."

Planning Practice Guidance

Technical Housing Standards: Nationally Described Space Standard (Mar 2015)

High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019 (3rd ed, Mar 2014)

ASSESSMENT

Principle of development

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."

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex Local Plan (MSLP) (2004) and the Small Scale Housing Allocations Document (2008), together with the Ashurst Wood Neighbourhood Plan.

The National Planning Policy Framework (NPPF) is a material consideration. Paragraph 49 of the NPPF states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

The Council's district plan is at an advanced stage and the Council believes that it has established a 5-year supply through this process. However, as this position remains subject to the Inspector's Final Report, the Council is not able to fully rely on this position at the present time.

Prior to the Supreme Court judgement of the 10th May 2017 (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant)), case law had stated that Policy C1 of the Mid Sussex Local Plan was a "policy for the supply of housing" and was therefore not considered to be up to date by virtue of paragraph 49 of the NPPF in the absence of a 5 year housing land supply.

However, the Supreme Court's judgement has made a clear ruling which now favours the narrow view of paragraph 49. That is, policies for the supply of housing capture only those policies that are directly related to housing supply and seek to satisfy paragraph 47 of the NPPF which requires Local Planning Authorities to 'boost significantly the supply of housing.'

The implication for this is that Policy H1 of the Mid Sussex Local Plan is clearly out of date as it is the Mid Sussex Local Plan's principal housing supply policy and makes provision for housing only until mid-2006. However, policies such as C1 of the MSLP and ASW1 and ASW2 of the Neighbourhood Plan, which are not directly related to the supply of housing, would now not be considered "out of date" per se under paragraph 49 following the Supreme Court ruling.

As the Council cannot currently demonstrate an agreed 5 year supply of deliverable housing sites, paragraph 14 of the NPPF is applicable. This states that:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - o *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - o *specific policies in this Framework indicate development should be restricted."*

The second bullet point of the 'decision taking' section currently applies as the Council cannot demonstrate a 5 year supply of deliverable housing. The approach that must be taken is that the development is assessed against paragraph 14 to see whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The weight to be given to saved policies of the MSLP will need to be assessed against the degree of conformity with the NPPF.

In light of the above, this development must be assessed against the 3 limbed definition of sustainable development at paragraph 7 of the NPPF. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 14 balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused.

Planning Practice Guidance states that when assessing applications against paragraph 14 of the NPPF, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning. This includes paragraphs 183 - 185 of the Framework; and paragraph 198, which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. The proposal would comply with NP policies ASW12 and ASW13.

It should be noted that a Court ruling in May 2015 relating to a site in Sayers Common made by Mr Justice Holgate confirmed that paragraphs 14 and 49 do apply to the housing supply policies in a draft development plan, including a draft neighbourhood plan, and consequently they also apply to advanced and made neighbourhood plans. This Court case also confirmed that paragraph 198 of the NPPF neither (a) gives enhanced status to neighbourhood plans as compared with other statutory development plans, nor (b) modifies the application of section 38(6) of the Planning and Compulsory Purchase Act 2004.

Therefore the key test that must be undertaken when assessing this application is as set out within paragraph 14 of the NPPF.

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

Design and visual impact on the character of the area and AONB

Policy B1 of the Mid Sussex Local Plan and Policy DP24 of the draft Mid Sussex District Plan promote high quality design, construction and layout in new buildings. Policies C4 of the Mid Sussex Local Plan and DP14 of the draft Mid Sussex District Plan emphasise that particular attention will be paid to the siting, scale, design, external materials and screening of proposed buildings to ensure that they enhance, and do not detract from, the visual quality and essential characteristics of Areas of Outstanding Natural Beauty. Policy ASW14 of the NP requires all new development to demonstrate good quality design and respect the existing character and appearance of the surrounding area.

Although the site is located within the Countryside Area of Development Restraint, it is fairly secluded, particularly from the southern (Lewes Road) and eastern sides. There is greater openness to the western end, where one of the two 'garden land' houses can be viewed. Nonetheless, it is the drop in land levels and the 'sunken' nature of the proposed dwelling that will result in it having a relatively low-level impact on the street scene: only the access and driveway would be visible. Although three frontage trees and a mature Eucalyptus tree will be removed to facilitate the new access, none are preserved and the council's Tree Officer advised verbally that the latter would not be worthy of preservation.

Due to the likely lack of visibility of the proposed dwelling from the public realm, it is considered that the design would be acceptable within this site, the surrounding area being a mix of dwelling types and sizes. Its scale would be mitigated by the largely single-storey height, which would effectively blend into the contours and land levels of the site. The facing materials would be sympathetic to this area.

Given that the site is located adjacent to a group of buildings, and within a garden area, it would therefore be viewed in context with existing built forms so it is not considered that the proposal would detract from the visual quality of the Area of Outstanding Natural Beauty, particularly as the site is secluded and does not form part of the open landscape.

On this basis, the above policies and guidance would be met.

Standard of accommodation

Policy DP24 of the draft Mid Sussex District Plan stipulates that development does not cause significant harm to the amenities of future occupants of new dwellings. Policy DP25 requires all new dwellings to meet minimum nationally described space standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.

The government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the council's adopted Dwelling Space Standards Supplementary Planning Document on 1 October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. The proposed dwelling would comfortably exceed this standard and hence would be considered acceptable in compliance with this guidance.

Impact on neighbouring amenity

Policies B3 of the Mid Sussex Local Plan and DP24 of the draft Mid Sussex District Plan aim to protect amenity.

The proposed dwelling would be sited a minimum distance of 53m from the rear elevation of the host dwelling, and would be set at a lower level. It would be about 60m from the rear elevation of 40 Hammerwood Road to the west. It would not be visible from The Pines to the east due to the

extensive and mature tree screen along the boundary. As such, it is not considered that the proposal would result in any overbearing impact to these properties or a loss of privacy.

The proposed driveway will run alongside the boundary with 40 Hammerwood Road and indeed the flank elevation of the host dwelling. However, there are a number of outbuildings/extensions to no. 40 that are set on or close to the boundary and are inward-facing (i.e. away from this driveway). Although the driveway would be visible from the upper floors of this dwelling, it is not considered that this relationship would be harmful to these neighbouring occupiers. Similarly, it is possible to incorporate a boundary between the driveway and the flank elevation of 42 Hammerwood Road such that there would be no significant loss of amenity to these residents either.

Overall, it is not considered that any neighbouring residents would be significantly harmed by this proposal and therefore the above policies would be met.

Access, parking and impact on highway safety

Policy T4 of the Mid Sussex Local Plan states that proposals for new development should not cause an unacceptable impact on the local environment in terms of road safety and increased traffic. Policy T5 outlines the requirements for parking provision and access to new developments, in conjunction with the council's (maximum) parking standards, as set out in the Development and Infrastructure Supplementary Planning Document. Policy T6 requires provision of cycle storage facilities in new developments.

Policy DP19 the draft 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 as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

The means of access is considered to be acceptable by the Highway Authority on highway safety grounds, subject to a number of conditions being applied. The parking provision on-site will be plentiful, with the double garage providing space for 2 cars and cycles with visitor spaces in front.

On this basis, the above policies would be met.

Drainage

Policy CS13 of the Local Plan seeks to ensure that sites on which new development is provided can be adequately drained. Policy DP41 of the draft Mid Sussex District Plan requires development proposals to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. In areas that have experienced flooding in the past, use of Sustainable Drainage Systems should be implemented unless demonstrated to be inappropriate.

The council's Drainage Engineer has considered that this matter can be handled by way of a planning condition and on this basis, it is considered that there should be no conflict with these policies and guidance or grounds to refuse the application based on this issue.

Impact on trees

Policy B7 of the Local Plan seeks to retain trees as far as possible for their amenity value. Policy DP36 of the draft Mid Sussex District Plan states that: "The District Council will support the

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

A Tree Survey Report was submitted to accompany this application and identifies that there are 5 Category B trees on the site, 41 Category C trees and 1 Unclassified tree. The proposal will result in the loss of one of the Category B trees, a Eucalyptus. During consideration of the previous application, the council's Tree Officer verbally advised that this would not be worthy of a preservation order and its loss would accordingly be acceptable. The other 3 trees within sight of the public realm to the front that would be lost would also be acceptable, as again they would not be worthy of preservation and so could be felled in any case. A number of other trees would be removed, but these are all Category C trees and barely have any public amenity benefit, due to being sited well within the plot (even when viewed from the south).

Whilst the council's (replacement) Tree Officer has objected to this latest application, it must be recognised that the site benefits from an extant permission with the same access arrangements and similar scale.

Subject to a landscaping condition being applied to ensure that retained trees will be protected during construction and additional landscaping carried out, the above policies would be met.

Sustainability

Policy B4 of the Local Plan requires all new development proposals to maximise opportunities for efficient use of energy, water and materials and use of natural drainage. Policy DP39 of the draft Mid Sussex District Plan specifies that all new major and residential development proposals must address the following aspects of sustainable design and construction: energy efficiency, waste and resources, water use and resilience to climate change.

Paragraph 93 of the NPPF states:

"Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development."

Paragraph 96 states:

"In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."*

A Sustainability Statement has been submitted to accompany the application, which specifies that PV panels will be provided on the roof of the proposed dwelling, which will be highly insulated and utilises sustainable surface water drainage through a green roof. It is considered that these measures are acceptable in compliance with these policies and guidance.

Compliance with emerging Neighbourhood Plan policies

The full text of the relevant NP policies are set out above and it is considered that the proposal would meet all the criteria contained within these policies.

Ashdown Forest

Impact on Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to satisfy itself that any plans or projects that they regulate (including plan making and determining planning applications) is not likely to have a significant effect on a European site of nature conservation importance. For most developments in Mid Sussex, the European sites of focus are the Ashdown Forest Special Protection Area (SPA) and Ashdown Forest Special Area of Conservation (SAC). Planning permission cannot be granted by the District Council where the likelihood of significant effects exists. The main issues are recreational disturbance on the SPA and atmospheric pollution on the SAC, particularly arising from traffic emissions.

This application has been screened for its potential effects on the SPA and SAC. This exercise has indicated that there is no likelihood of a significant effect on the SAC. However, as this proposed development site lies within 7km of the Ashdown Forest SPA, mitigation is required. In this case, the SAMM Strategy would require a contribution of £3,140 and if the approved scheme provides for a strategic SANG contribution, this would be £2,033.

The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and (if the approved scheme provides for a strategic SANG contribution), the SANG strategy. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

The financial contribution to SAMM has been secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 whilst the mitigation in relation to SANG would be secured through a planning condition and informative ("SANG Condition"). The District Council has two different mechanisms to secure the mitigation because of the effect of the Community Infrastructure Regulations 2010 ("the CIL Regulations"), in particular Regulation 123. SAMM is not considered to constitute "infrastructure" for the purposes of Regulation 123 and accordingly, the pooling restrictions do not apply. Therefore, a Planning Obligation can still be used to secure the SAMM contribution. SANG, however, may be considered to constitute "infrastructure" for the purposes of Regulation 123 which would mean that the pooling restrictions would apply. This means that Planning Obligations can no longer be used to secure SANG contributions and so development would not provide for the necessary measures to mitigate the potential impact on the Ashdown Forest SPA, and could not be granted planning permission. To avoid delaying the delivery of development, an alternative approach has been adopted by the District Council and is being used to secure SANG mitigation, in the form of the SANG Condition. The proposed SANG Condition provides for a scheme for mitigation of the effects on the SPA to be submitted which can include provision for a bespoke SANG or the payment of a financial sum towards a SANG managed by the District Council. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (Paragraph 206 of the National Planning Policy Framework). All planning conditions must meet these '6 tests' which are applicable to the imposition of conditions as set out in National Planning Policy Guidance (NPPG). In the circumstances of this particular case it is considered that these tests are met by the proposed SANG Condition. Furthermore, the mitigation is required in order to ensure compliance under the Habitats Regulations.

The NPPG (Paragraph 005 Reference ID 21a-005-20140306) allows for the use of a negatively worded condition to: 'prohibit development authorised by the planning permission until a specified action has been taken (for example, the entering into a planning obligation requiring the payment of a financial contribution towards the provision of supporting infrastructure)'. It is considered, therefore, in the circumstances of this case and in the light of the guidance on the use of planning conditions set out in the NPPG, that the use of a negatively worded condition is an appropriate

approach to securing the necessary mitigation in relation to SANG in order to mitigate any likely significant effect on the Ashdown Forest SPA required by the Habitats Regulations and enable the local planning authority to grant permission for relevant development.

The NPPG (Paragraph 010 Reference ID 21a-010-20140306) addresses the use of a condition requiring an applicant to enter into a planning obligation or an agreement under other powers. The guidance states that in exceptional circumstances a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. In relation to this part of the NPPG, the District Council would make the following points:

1. The NPPG is guidance not law.
2. The District Council does not consider Paragraph 10 of the NPPG applies to the proposed SANG Condition. The guidance does not apply to all negatively worded conditions, rather it applies to "*a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence*" (emphasis added). The District Council's proposed condition does not require an agreement to be entered into before certain development can commence. Nor does the SANG Condition limit the development that can take place until a planning obligation or other agreement has been entered into. The District Council's proposed condition gives developers the choice to either provide their own SANG site or to enter into an agreement for a contribution towards the strategic SANG. Accordingly, the guidance in the NPPG does not apply in this case as there is a choice as to how to comply with the condition.
3. Alternatively, even if Paragraph 10 of the NPPG were considered to apply, the District Council considers the circumstances are sufficiently "exceptional" to warrant the imposition of the SANG Condition. The effect of Regulation 123 prevents the funding of SANG being secured via a Planning Obligation and in the absence of the SANG condition, the only alternative would be to refuse development within the 7km zone of influence.
4. Underlying the guidance in Paragraph 10 of the NPPG is the requirement for certainty and transparency. The District Council considers the SANG Condition provides certainty and transparency to developers as either a SANG site or a contribution towards the strategic SANG is required to make the development lawful. In the case of a contribution, the published SANG Strategy clearly identifies the financial contribution required.

Natural England has also confirmed it is content with the SANG Condition approach to secure mitigation in terms of SANG.

The Planning Obligation securing the SAMM contribution has been completed and subject to the imposition of an appropriate planning condition in relation to SANG being secured, it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP15 of the draft Mid Sussex District Plan.

Atmospheric pollution

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.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development, 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. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

The screening assessment concludes that there would be no likely significant effect on the Ashdown Forest SPA and SAC from the proposed development. Since the proposed new development is not considered to have a likely significant effect alone on the Ashdown Forest SPA and SAC, there is also unlikely to be an in combination effect.

Whether the proposal would be sustainable development

As outlined above, the NPPF describes sustainable development as the golden thread running through both plan making and decision taking. It sets out the three dimensions to sustainable development: economic, social and environmental. Paragraph 6 states that the policies in paragraphs 18 - 219, taken as a whole, constitute the government's view as to what sustainable development means for the planning system. In this part of the report the main factors that inform the judgement as to whether the proposal would be a sustainable form of development are summarised. In reaching that view all matters referred to in the report have been taken into account.

The economic role

The proposed development would result in the creation of construction jobs during the build period. The additional, albeit limited, population could help generate more local spending in the local community provision of infrastructure and services, and generate New Homes Bonus funding, as well as additional Council Tax receipts. The proposal would satisfy the economic dimension of sustainable development.

Social role

The provision of 1 new dwelling will make small but a useful contribution to the district's housing supply and therefore it can be considered that the proposal satisfies the social dimension of sustainable development. Due to the location of the site adjacent to the built-up edge of Ashurst Wood where there are a number of services, it is considered that the location of the site is suitable.

Environmental role

The proposed development is on land designated as an AONB which, together with the South Downs National Park, cover 60% of the District. However, as the site would be viewed in context with other existing dwellings and itself sits within a garden area rather than open landscape, it would not be deemed harmful to the character and appearance of the AONB. Highways matters and the visual impact of the proposal would also be acceptable. Landscaping can be secured through condition. It is therefore considered that the proposal would satisfy the environmental role of planning.

PLANNING BALANCE AND CONCLUSIONS

As the Council is unable to currently demonstrate a five year supply of deliverable housing land it follows that the relevant policies for the supply of housing are not up to date (paragraph 49 of the NPPF). In these circumstances paragraph 14 of the NPPF provides for a presumption in favour of sustainable development, which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

The principle of this development is considered acceptable for the reasons set out above, as the design is appropriate on its own merits and there would be no significantly harmful impact on neighbouring residents or to the character of the area, including the AONB. It would not result in any coalescence of settlements. Other matters such as landscaping, drainage, site levels, construction, parking, access and sustainability can be conditioned as part of any planning permission.

Overall, it is not considered that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of providing a new dwelling in a sustainable location in the District. It is therefore considered that the proposal would comply with Policies G2, C1, C4, B1, B3, B4, B7, T4, T5, T6 and CS13 of the Mid Sussex Local Plan, Policies ASW1, ASW2, ASW5, ASW12, ASW13, ASW14, ASW20 and ASW21 of the draft Ashurst Wood Neighbourhood Plan, Policies DP2, DP5, DP6, DP10, DP14, DP15, DP19, DP24, DP25, DP36, DP39 and DP41 of the draft Mid Sussex District Plan and the provisions of the National Planning Policy Framework and so should be approved.

Decision: Permission

Case Officer: Mr Andrew Watt