

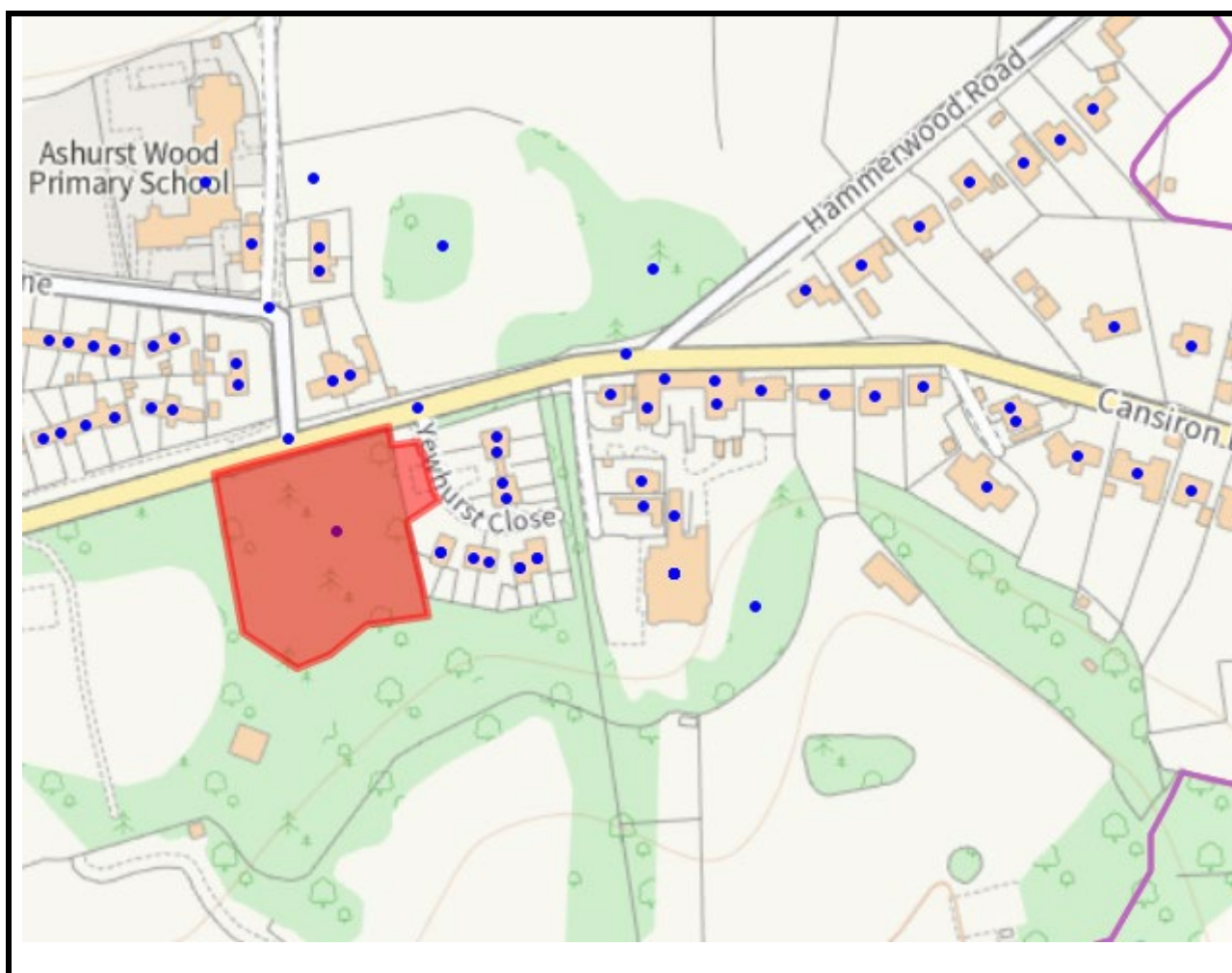
Planning Committee



Recommended for Permission

10th September 2026

DM/25/2474



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Site:	Land South Of Hammerwood Road Ashurst Wood West Sussex
Proposal:	The erection of twelve houses, comprising 4x two bedroom houses, 4x three bedroom houses and 4x four bedroom houses, with associated access (Via Yewhurst Close) and parking.
Applicant:	Mr James Caldwell
Category:	Smallscale Major Dwellings
Target Date:	27th August 2026
Parish:	Ashurst Wood

Ward Members:	Cllr John Belsey /
Case Officer:	Joanne Fisher

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T3I02RKT04L00>

1.0 Purpose of Report

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

2.0 Executive Summary

- 2.1 This application seeks planning permission for the erection of twelve houses, comprising 4no. two-bedroom houses, 4no. three-bedroom houses and 4no. four-bedroom houses, with associated access (via Yewhurst Close) and parking at land south of Hammerwood Road, Ashurst Wood.
- 2.2 The site is allocated for residential development (12 dwellings) under policy SA26 of the Site Allocations Development Plan Document (SADPD).
- 2.3 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Ashurst Wood Neighbourhood Plan (AWNPP).
- 2.4 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy, or with every aspect of an individual policy, within the Development Plan.
- 2.5 The NPPF states that planning should be genuinely plan-led.
- 2.6 Policy SA26 of the SADPD is the most important policy for determining the application, as it allocates the site for residential development for 12 dwellings.
- 2.7 Policy S3 of the NPPF relates to the presumption in favour of sustainable development and sets out that decisions should apply a presumption in favour of sustainable development.
- 2.8 Policy S5 of the NPPF relates to the principle of development outside settlements. It lists a number of reasons on the certain forms of development which should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies. Policy S5 (1i) relates to the development of land allocated for that purpose in the development plan. This is relevant as the site is allocated for housing within the SADPD.

- 2.9 As the proposal is allocated and complies with the development plan and policy S5 of the NPPF, the application should be approved without delay as set out in policy S3 (1c) of the NPPF.
- 2.10 The proposal is of an appropriate design and scale which would relate to the surrounding development and have a positive edge to the area. The retention of the boundary vegetation including that on Hammerwood Road would soften the development and retain the semi-rural character of this part of Ashurst Wood. The proposal would form a sensitive extension to Ashurst Wood which would maintain the character of the countryside and conserve the National Landscape in this part of the District.
- 2.11 The proposal by utilising the existing access from Yewhurst Close is considered acceptable and would not result in highway safety issues. There would be an acceptable level of on-site car parking to serve the development.
- 2.12 Although there is to be a loss of trees and vegetation on the site, this has been accepted through the site being allocated for development under Policy SA26 of the SADPD. Notwithstanding this boundary vegetation is to be retained and there would be replacement planting to mitigate the impact of the loss of trees.
- 2.13 Due to the position of the dwellings and the relationship with surrounding residential properties, the proposal would not result in an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water soil or other forms of pollution.
- 2.14 In terms of the scheme's benefits, the proposal would result in 12 new dwellings on an allocated site including 30% affordable housing. The construction of the development will likely provide local jobs and employment opportunities which is also a positive economic impact and once occupied result in spending within the locality. From an environmental view, the proposed development is of a sustainable design and construction, seeking to minimise energy use and using renewable sources of energy. The development would contribute to the Council's much needed housing supply and make effective use of the land. This is all positive in the planning balance.
- 2.15 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. Whilst it is acknowledged that the site would result in a biodiversity net loss of 13.94%, the proposals would seek to purchase off-site credits through a habitat bank to create new habitat or enhancement through a habitat bank which is considered acceptable in terms of biodiversity net gain. Although mandatory, the fact that the proposal will deliver a net gain in biodiversity, should be given positive weight in the planning balance.
- 2.16 Whilst there would be a loss of trees to the site, their removal has been accepted through the site being allocated for housing development.
- 2.17 The neutral impacts relate to highways, neighbouring amenities, impact on Ashdown Forest and drainage.
- 2.18 In weighing up these issues, when taken together, it is not considered that the benefits of approving the development would be substantially outweighed by the adverse effects to trees.
- 2.19 There are no other material considerations that would alter the above planning balance.
- 2.20 Accordingly, the application is recommended for approval.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 10th December 2026 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:
- 3.3 'The proposal fails to provide the required affordable housing, the infrastructure and SAMM and SANG contributions and the biodiversity net gain requirements. The application therefore conflicts with Policies DP17 and DP31 of the Mid Sussex District Plan, the Mid Sussex Supplementary Planning Documents 'Affordable Housing' and 'Development Infrastructure and Contributions' and Policies DM6(1) and N2 of the NPPF.

4.0 Summary of Representations

- 4.1 7 letters of objection concerning the following points:

Access and highways

- Access not suitable.
- Access from Yewhurst Close would result in more traffic and safety problems.
- Insufficient parking for visitors on Yewhurst Close and would impact on parking availability.
- Alternative access could be achieved.
- Proposal is parking dense with parking stacked in that one space impedes another.
- Construction and residential traffic would add to dangerous conditions on Hammerwood Road.
- No safe cycle routes to nearby villages and towns.

Character of area

- High density development not suitable for location.
- Rural appearance from Hammerwood Road would appear to be drastically changed.
- Situated in an area that has been identified as an area of outstanding natural beauty.

Ecology and Trees

- Impact on a number of species and habitats
- Significant loss of biodiversity.
- Loss of trees as site is heavily wooded.

Residential amenity

- Impact on privacy

- Noise and disturbance from lorries during construction.

Other matters

- Insufficient infrastructure to accommodate development.
- Query on 30% affordable housing.
- Impact on privacy.

4.2 1 letter of support:

- Support for more affordable housing in the village.

4.3 1 letter of comments:

- Query on privacy screening with houses looking into windows on Yewhurst Close.

5.0 Summary of Consultees

5.1 A summary of the consultees final position can be found below. Details of their full comments can be found on the public planning file.

WSCC Planning (Infrastructure)

Financial contributions to be secured through S106 towards primary education, secondary education, sixth form education, libraries and TAD.

WSCC Highways Authority

No objection subject to conditions.

WSCC Local Lead Flood Authority

No objection subject to conditions.

WSCC Minerals and Waste

No comment.

MSDC Ecology Consultant

No objection subject to conditions.

MSDC Archaeological Consultant

No objection subject to conditions.

MSDC S106 and Infrastructure Manager

Financial contributions to be secured through S106 towards community buildings, playspace, formal sports and local community infrastructure.

MSDC Housing Enabling Officer

The applicant is proposing a development of 12 units, which gives rise to a minimum on-site affordable housing requirement of 30% in accordance with District Plan Policy DP31. This equates to 4 affordable housing units as proposed.

MSDC Tree Officer

No objection subject to condition.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Contaminated Land

No objection subject to conditions.

MSDC Street Name and Numbering

Informative.

NHS Sussex

Requires infrastructure contribution.

Nature Space (Great Crested Newts)

Condition in relation to Reasonable Avoidance Measures (RAMs) Method Statement should be followed.

Natural England

No objection subject to securing appropriate mitigation.

Southern Water

Comments and informative.

6.0 Parish Council Observations

6.1 No objection.

7.0 Introduction

7.1 Permission is sought for the erection of twelve houses, comprising 4no. two-bedroom houses, 4no. three-bedroom houses and 4no. four-bedroom houses, with associated access (Via Yewhurst Close) and parking at land south of Hammerwood Road, Ashurst Wood.

8.0 Relevant Planning History

8.1 There is no relevant planning history.

9.0 Site and Surroundings

9.1 The application site is located to the south of Hammerwood Road, Ashurst Wood. The site is allocated for development under policy SA26 of the Site Allocations Development Plan Document (SADPD), which was adopted in June 2022.

9.2 The site fronts Hammerwood Road and is currently undeveloped. The site is screened from the road with shrubs and trees. Within the site is dense vegetation. The site is well enclosed with vegetation.

- 9.3 To the east of the site, is Yewhurst Close, a residential cul-de-sac of a mix of houses and flats 2 storeys in height. To the north of the site, on the opposite side of Hammerwood Road, is a varied design and scale of dwellings comprising of semi-detached and terraced houses closest to the site. To the west of the site, there are open spaces of trees and grassland in private ownership with detached dwellings. To the south of the site, denser woodland bounds with a gradual decline in levels from the site.
- 9.4 On the opposite side of site on Hammerwood Road is a pavement running along the side of the highway leading to the primary school and village centre in Maypole Road.
- 9.5 The site lies within the countryside as well as within the High Weald National Landscape formally known as the High Weald Area of Outstanding Natural Beauty (AONB) as defined in the District and Neighbourhood Plan.

10.0 Application Details

- 10.1 Permission is sought for the erection of twelve houses with associated access and parking at land south of Hammerwood Road, Ashurst Wood.
- 10.2 Vehicular access would be taken from the existing cul-de-sac of Yewhurst Close to the east of the site. Within Yewhurst Close, two off-street parking spaces are to be relocated to provide the new access, which continues the pedestrian pavement into the site and provides for a 4.5metre wide road. Tactile paving is to be provided on both sides of Hammerwood Road.
- 10.3 Within the site fronting plots 1-8 would be an of the site would be an internal footpath serving the frontage of plots 1-8 linking directly with the existing pavement to the north-eastern corner of the site and providing level access to the proposed units.
- 10.4 The proposal is to provide 31 off-street parking spaces to serve the development which includes 3no disabled parking spaces. Parking is to be set within the cul-de-sac itself, within the centre of the site. Plots 1-8 are to have parking to the rear of the gardens with plots 1-6 having 2 tandem parking spaces, plots 7 and 8 having 1 parking space each, with plots 9-12 having parking to the side and front of each dwelling.
- 10.5 The dwellings are to be of a traditional 'Sussex' design with brickwork, tile hanging and tiled pitched roofs. To the front of the site fronting Hammerwood Road are to be semi-detached dwellings and to the rear of the site within the cul-de-sac are to be detached dwellings.
- 10.6 The proposal would comprise of the following housing mix:
- 4no. two-bedroom houses
 - 4no. three-bedroom houses
 - 4no. four-bedroom houses.
- 10.7 This would include 30% on-site affordable housing comprising of 4no. 2-bed dwellings set to the front of the site of plots 5-8.
- 10.8 Secure cycle stores are proposed to each plot within garden areas comprising of a timber structure.
- 10.9 Refuse and recycling would be provided on each plot and would allow bins and recycling to be placed by the roadside for collection on the relevant collection day.
- 10.10 Hard and soft landscaping is proposed within the site and on the boundaries.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 Specifically, Section 70 (2) of the Town and Country Planning Act 1990 states:
- 'In dealing with such an application the authority shall have regard to:*
- a) The provisions of the development plan, so far as material to application, and*
 - b) Any local finance considerations, so far as material to the application, and*
 - c) Any other material considerations.'*
- 11.3 Section 38(6) Planning and Compulsory Purchase Act 2004 provides:
- 'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*
- 11.4 The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.
- 11.5 Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.
- 11.6 Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD), and the Ashurst Wood Neighbourhood Plan (AWNPN).
- 11.7 National policy (which is contained in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance) does not form part of the development plan but is an important material consideration.

Mid Sussex District Plan

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

Relevant policies:

DP4 - Housing

DP6 - Settlement Hierarchy

DP12 - Protection and Enhancement of Countryside

DP16 – High Weald Area of Outstanding Natural Beauty

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

DP20 – Securing Infrastructure

DP21 - Transport

DP26 - Character and Design

DP27 - Dwelling space standards

DP29 - Noise, Air and Light Pollution

DP30 – Housing Mix

DP31 – Affordable Housing

DP37 - Trees, Woodland, and Hedgerows

DP38 - Biodiversity

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

DP42 – Water Infrastructure and Water Environment

Site Allocations DPD

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

Relevant policies:

SAGEN - General Principles for Site Allocations

SA26 – Land south of Hammerwood Road, Ashurst Wood

SA38 – Air Quality

Ashurst Wood Neighbourhood Plan

- 11.10 The Ashurst Wood Neighbourhood Plan was made on the 30th June 2016 and forms part of the development plan. The relevant policies are considered to be:

ASW1 – Protection of the countryside

ASW14 – Design and Character

ASW15 – Affordable Housing

ASW20 – Impact of new development on traffic

ASW21 – Parking provision

ASW23 - Infrastructure

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS1 - Climate Change

DPS2 - Sustainable Design and Construction

DPS4 - Flood Risk and Drainage

DPN2 - Biodiversity Net Gain

DPN4 - Trees, Woodland, and Hedgerows

DPN6 - Pollution

DPN7 - Noise Impacts

DPN9 – Air Quality

DPN10 - Land Stability and Contaminated Land

DPC1 - Protection and Enhancement of the Countryside

DPC3 - New Homes in the Countryside

DPC4 – High Weald Area of Outstanding Natural Beauty

DPC6 – Ashdown Forest SPA and SAC

DPB1 - Character and Design

DPT1 - Placemaking and Connectivity

DPT3 - Active and Sustainable Travel

DPT4 - Parking and Electric Vehicle Charging Infrastructure

DPH1 – Housing

DPH2 – Sustainable Development – Outside the Built-up Area

DPH7 – Housing Mix

DPH8 - Affordable Housing

DPH9 – First Homes

DPH11 - Dwelling Space Standards

DPH12 - Accessibility

DPI1 – Infrastructure Provision

DPI1 – Planning Obligations

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

SDP Development Infrastructure and Contributions (2018)

Affordable Housing Supplementary Planning Document (SPD)

West Sussex County Council Guidance on Parking at New Developments - September 2020

High Weald AONB Management Plan 2024 - 2029

National Planning Policy Framework (NPPF) (August 2026)

- 11.12 The National Planning Policy Framework (NPPF) sets out the government's policies for plan-making and for making decisions on development proposals in England. Paragraph 15 states that the purpose of the planning system is to contribute to the achievement of sustainable development by managing the use and development of land in the long-term public interest. Paragraph 17 identifies the three overarching objectives of sustainable development, which are interdependent and should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across all three objectives. These are the economic, social and environmental objectives.
- 11.13 Paragraph 18 of the NPPF states:
- 'These objectives should be delivered through the preparation and implementation of development plans and the application of the policies in this Framework; they are not criteria against which every development proposal can or should be judged. Development plans and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*
- 11.14 Policy S3 of the NPPF relates to the presumption in favour of sustainable development and states:
- '1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:*
- a. Policy S4 in this Framework should be applied when considering development proposals within settlements;*
- b. Outside settlements, policy S5 should be applied; and*
- c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.'*

- 11.15 With specific reference to decision-taking, paragraph 3 confirms that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise, with the national decision-making policies of the Framework being an important material consideration in that process.

National Planning Policy Guidance (PPG)

Technical Housing Standards

12.0 Assessment

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

- Principle of development;
- Design and Impact on the character and appearance of the area and the High Weald National Landscape;
- Highways;
- Impact on Residential Amenity;
- Air Quality
- Contaminated Land
- Affordable Housing and Mix;
- Housing Standards and Accessibility
- Flood Risk and Drainage;
- Trees;
- Ecology and Biodiversity Net Gain;
- Sustainability;
- Infrastructure;
- Ashdown Forest; and
- Planning Balance and Conclusion.

Principle of Development

- 12.2 As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.3 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Ashurst Wood as defined by the District and Neighbourhood Plans. As such the site is located within the defined countryside.
- 12.4 The site is allocated for residential development as part of the adopted SADPD and policy SA26 refers. This policy requires a development of 12 dwellings with the following objectives *'To deliver a sensitive extension to Ashurst Wood which reflects local distinctiveness which conserves and enhances the landscape and scenic beauty of the*

High Weald AONB, retaining the sylvan, Parkland landscape character and semi-rural character of this section of Hammerwood Road.'

- 12.5 Within Policy SA26 there is a requirement for the development to *'Retain and protect the rural character of Hammerwood Road by retaining the existing hedgerow and trees along the northern boundary and compliment and integrate the positive characteristics of Ashurst Wood in the design and layout.'* In addition to *'Orientate development to have a positive edge to Hammerwood Road and to the wider countryside to the south to avoid the use of hard boundary treatment along these boundaries.'*
- 12.6 Policy DP12 of the District Plan refers to the protection of the countryside. Policy DP6 of the District Plan relates to settlement hierarchy. In addition, policy ASW1 of the Neighbourhood Plan relates to the protection of the countryside. It is considered that these policies have very limited weight due to the publication of the NPPF and consideration should be given to Policy S5 of the NPPF which relates to the principle of development outside settlements.
- 12.7 As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.
- 12.8 The policies contained within the NPPF are material considerations which must be taken into account in the determination of this application. This is confirmed by paragraphs 1 and 3 of the NPPF, with paragraph 1 stating that *'The National Planning Policy Framework sets out the government's policies for plan-making and for making decisions on development proposals in England. It is a material consideration of critical importance in both contexts.'*
- 12.9 Annex A of the NPPF further confirms that development plan policies (or parts of those policies) which are materially inconsistent with the national decision-making policies in the Framework should be given very limited weight, unless they have been examined and adopted (or made) against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to publication of the Framework.
- 12.10 The presumption in favour of sustainable development is set out in Policy S3 which states that decisions on development proposals should apply a presumption in favour of sustainable development. This means:
- '1. Policy S4 in this Framework should be applied when considering development proposals within settlements;*
2. Outside settlements, policy S5 should be applied; and
3. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in the Framework should be approved without delay.'
- 12.11 For development proposals outside of settlements, National decision-making policy S5 in the NPPF states *'Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:'*
- It then goes on to list those type of development that should be approved outside settlements. This includes land that is allocated for housing within the development plan (S5i).
- 12.12 Paragraph 2 of policy S5 states that *'In applying this policy, the circumstances in which the benefits of approving development proposals are likely to be substantially outweighed*

by adverse effects include, but are not restricted to, situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.'

- 12.13 In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development set out in Policy S3. Where development accords with the relevant provisions of Policy S5, this weighs strongly in favour of granting planning permission. The Local Planning Authority must undertake an overall planning balance, assessing the benefits of the proposal against any adverse effects having regard to the national decision-making policies contained within the Framework as a whole.
- 12.14 As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF. Policies that are materially inconsistent with the Framework should be afforded very limited weight, whilst policies that remain consistent with the Framework continue to attract significant weight irrespective of their age.
- 12.15 Policy SA26 of the SADPD is a site allocation policy which seeks to deliver housing and allows the presumption in favour of sustainable development. It is considered that this policy is consistent with the NPPF, and as such can be given full weight.
- 12.16 It is considered that policies DP4, DP6 and DP12 of the District Plan and policy ASW1 of the Neighbourhood Plan are materially inconsistent with the national decision-making policies within the NPPF and should be given very limited weight.
- 12.17 Therefore, the key tests that must be undertaken when assessing this application is as set out within policies S3 and S5 of the NPPF and policy SA26 of the SADPD.
- 12.18 The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Design and Impact on the character and appearance of the area and the High Weald National Landscape

- 12.19 One of the objectives of achieving sustainable development is to ensure that proposals *'protect and enhance our natural, built and historic environment'* (para 17, NPPF).
- 12.20 As the site falls outside of the built-up area (within the countryside) it is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area. As set out above, policy DP12 of the District Plan and policy ASW1 of the Neighbourhood Plan are materially inconsistent with national decision-making policies and should be given very limited weight. Consideration should therefore be given to the NPPF.
- 12.21 Policy N2 of the NPPF relates to improving the natural environment. Part 1a requires proposals to contribute positively to the natural environment and to *'Consider the environmental qualities of land proposed for development, including habitats, landscape character and the natural beauty of the countryside, and identify opportunities for those qualities to be conserved or enhanced'*.
- 12.22 The site falls within the High Weald National Landscape (previously known as the High Weald Area of outstanding Natural Beauty. The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of*

the purpose of conserving and enhancing the natural beauty of the AONB'. The Levelling-up and Regeneration Act (2023) amended section 85 of the CROW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*'. A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

- 12.23 Policy DP16 of the District Plan relates to the High Weald AONB and requires proposals to *'conserve or enhance natural beauty'*. This is considered to be inconsistent with NPPF and therefore has very limited weight. Consideration should therefore be given to the NPPF.
- 12.24 Policy N4 of the NPPF relates to protected landscapes states in part that:
- 'Development proposals within Protected Landscapes should be limited in scale and extent and sensitively located and designed to avoid harm to the statutory purposes and special qualities of the Protected Landscape. Substantial weight should be placed on the importance of conserving and enhancing the natural beauty of these areas'*
- 12.25 In terms of the National Landscape, Policy SA26 of the SADPD requires the development of the site to:
- 'Undertake a Landscape and Visual Impact Assessment (LVIA) to inform the site layout, capacity and mitigation requirements, in order to conserve and enhance the landscape and natural beauty of the High Weald AONB.*
- Incorporate existing trees of significance and landscaping into the layout of development and provide new specimen tree planting, mixed native and evergreen planting into the landscape structure in order to retain the parkland setting and conserve the sense of place.'*
- 12.26 Policy SA GEN deals with general principles for site allocations within the SADPD and it states, inter alia, the following in relation to urban design matters:
- 'Design new development in accordance with District Plan Policy DP26: Character and Design and with the design principles set out in the Mid Sussex Design Guide SPD.*
- Sites within the High Weald AONB are to have regard to the High Weald Housing Design Guide.*
- Provide a high degree of integration and connectivity between new and existing communities.*
- Design new development at a density that is appropriate for the location.*
- Make a positive contribution towards local character and distinctiveness.*
- Create safe communities through appropriate design and layout that reduces the likelihood of crime and anti-social behaviour.'*
- 12.27 Policy SA26 of the SADPD sets out that the urban design principles in relation to the development of the site being:
- 'Retain and protect the rural character of Hammerwood Road by retaining the existing hedgerow and trees along the northern boundary and compliment and integrate the positive characteristics of Ashurst Wood in the design and layout.*

- *Concentrate development towards the northern part of the site, creating a soft transition with the countryside to the south.*
- *Orientate development to have a positive edge to Hammerwood Road and to the wider countryside to the south to avoid the use of hard boundary treatment along these boundaries.'*

- 12.28 Policy DP26 of the District Plan relates to character and design. In addition, policy ASW14 of the Neighbourhood Plan has a similar ethos. However, these are considered to have very limited weight due to the publication of the NPPF, and consideration should be given to policy DP3 of the NPPF.
- 12.29 Policy DP3 of the NPPF sets out the key principles for well-designed places. This sets out in part that proposals should respond to their context, so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.
- 12.30 The Council's adopted Design Guide is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for innovative and inventive designs that responds to the sustainability agenda within DG37. In addition, there is support for architectural integrity and a sense of place within DG38 where the facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. In addition, design principle DG39 requires the scale of new buildings to relate to their context.
- 12.31 The proposed design and scale of the dwellings are considered to be sensitive to the character of the area through the use of traditional Sussex designed dwellings and traditional materials of multi-stock brick, tile hanging and pitched roofs. The dwellings proposed would reflect the local vernacular and distinctiveness of properties in the immediate surroundings and the adjoining cul-de-sac of Yewhurst Close.
- 12.32 The proposed cul-de-sac is to follow the requirements of the SADPD in relation to the creation of the access from Yewhurst Close which would allow for the retention of the hedging and trees along the northern boundary fronting onto Hammerwood Road. This allows the development to be softened and sit well within the existing verdant character on this part of Hammerwood Road as well as forming a positive edge to the highway.
- 12.33 The density of the proposed development reflects the edge of settlement position of site and the adjoining cul-de-sac of Yewhurst Close.
- 12.34 Due to the parking and hardsurfacing set within the site to allow the retention of the trees and vegetation on Hammerwood Road, it is considered that the proposal would create a sense of place and would integrate the development into the existing settlement.
- 12.35 Through the retention of the northern boundary screening and trees along Hammerwood Road, as well as the sensitively designed dwellings and materials proposed, it is considered that the proposal would be in keeping with the character of the area, maintain the character and also enhance the National Landscape in this part of the district.
- 12.36 In terms of the Landscape Visual Impact, the application is accompanied by a Landscape Visual Impact Appraisal (LVIA). Within the conclusion of this document, it states that *'Perceptibility of the proposed scheme would be limited by the retention of existing boundary vegetation to the western, northern and eastern edges. To the south, existing*

woodland and trees would limit visibility from locations to the rural landscape which falls to low lying land north of Forest Row. It is considered adverse landscape character effects would be largely limited to the immediate context of the proposed development site.'

- 12.37 It is accepted that there would be a visual change from the currently wooded and vegetated site. However, the site is allocated for housing within the SADPD for 12 dwellings. The proposal would provide an appropriate layout which responds the existing landscape constraints retaining the boundary screening and providing a more open arrangement to the south adjacent to the more rural landscape character beyond.
- 12.38 It is considered that the proposal would maintain the character of the countryside in this part of the district, conserves the High Weald National Landscape and would be acceptable in terms of design and impact on the character and appearance of the area. The proposal thereby complies with policy SA26 of the SADPD, the design principles of the Mid Sussex Design Guide and policies DP3 and N4 of the NPPF.

Highways

- 12.39 SA GEN of the SAPDPD sets out the general principles applied to all the allocated sites within the document, and in relation to transport matters, its states, inter alia:

‘ Ensure development contributes towards delivering sustainable development and appropriate infrastructure in accordance with District Plan Policy DP21: Transport and the objectives of the West Sussex Transport Plan 2011 – 2026.

• Provide a Transport Assessment and Sustainable Transport Strategy to identify appropriate mitigation and demonstrate how development will be accompanied by the necessary sustainable infrastructure to support it.

• Highway infrastructure mitigation is only considered once all relevant sustainable travel interventions (for the relevant local network) have been fully explored and have been taken into account in terms of their level of mitigation.

• Identify how the development will provide safe and convenient routes for walking and cycling through the development and linking with existing networks beyond. Create a permeable road network within the site with clearly defined route hierarchies.

• Safeguard Public Rights of Way (PRoW) and protect their amenity.

• Provide adequate car parking in accordance with District Plan Policy DP21: Transport.'

- 12.40 Policy SA26 of the SADPD sets out in terms of highways and access that the development should:

‘• Investigate the most suitable vehicular access arrangements from either Yewhurst Close or Hammerwood Road, taking account of landscape impacts and make necessary safety improvements and contributions towards sustainable transport infrastructure improvements.’

- 12.41 Policy DP21 of the District Plan relates to transport. Policy ASW20 of the Neighbourhood Plan relates to the impact of new development on traffic. It is considered that these policies have very limited weight due to the publication of the NPPF. Consideration should be given to policies TR3, TR4 and TR6 of the NPPF instead.

- 12.42 Policy TR3 of the NPPF relates to locating development in sustainable locations and sets a number of principles proposals should reflect. Section (e) of this policy sets out that *‘In rural areas, opportunities to improve walking, wheeling, cycling and public transport and*

enhance the connectivity of an area should be taken where they exist and can be supported by the development proposed.'

- 12.43 Policy TR4 of the NPPF relates to street design, access and parking and sets out that to contribute to well-designed places, transport considerations should be integral to the design of the development. This should include giving priority first to walking, wheeling and cycle movements, both within the scheme and with neighbouring areas and also providing a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), and including adequate provision of spaces and infrastructure that allow for the charging of electric vehicles in safe, accessible and convenient locations.
- 12.44 Policy TR6 of the NPPF relates to assessing transport impacts and part 4 of this policy states that *'Development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.'*
- 12.45 The proposal would utilise the existing access from Yewhurst Close which is a residential cul-de-sac of 12 dwellings. Access into the proposed site will be taken from the western side of Yewhurst Close where there is a large grass verge area and would re-provide existing parking spaces within Yewhurst Close for residents.
- 12.46 Yewhurst Close has a footway wrapping around its western access which drops into a shared surface however, due to the new access being created submitted plans show the footway will be extended in front of the existing car parking spaces and around the northern edge of the new access. Additionally, a strip of footway will also be provided around the southern edge of the proposed access dropping into both shared surface layouts.
- 12.47 A dropped kerb and tactile paving are proposed on Hammerwood Road by the new footpath access serving plots 1-8. This would allow a pedestrian crossing from the footpath outside of the site serving the development and Yewhurst Close.
- 12.48 The proposal is to provide 31 parking spaces to serve the development including disabled parking spaces, and each dwelling is to have cycle storage. Two parking spaces from Yewhurst Close are to be re-provided to the north of the access.
- 12.49 The West Sussex County Council Guidance on Parking at New Developments (September 2020) identifies the site as within parking behaviour zone 1. The calculator advises a development of this size should provide 32 car parking spaces. Whilst there would be a shortfall regarding the proposed parking, the Highways Authority have noted that there can be a 10% leeway if there is sufficient space on the site. They consider that given the additional spaces in Yewhurst Close, that the proposal would result in sufficient parking.
- 12.50 The proposed parking has been designed to be discreetly located within the site and not visible from Hammerwood Road. There is to be tandem parking to minimise the amount of hardstanding across the site with planting and garden areas to soften the areas of parking.
- 12.51 The Highways Authority has considered the proposal and raise no objection subject to conditions.
- 12.52 Concerns have been raised by third parties in respect of construction traffic adding to conditions on Hammerwood Road. A condition in respect of a construction management

plan could be placed on an approval to ensure that there is no conflict with existing road users, control the method of access and routing of vehicles during construction and no conflict during school drop off and collection times.

- 12.53 It is considered that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.
- 12.54 Consequently, the proposal is considered acceptable on highway safety and transport grounds and complies with policy SA26 of the SADPD and policies TR4 and TR6 (4) of the NPPF.

Impact on Residential Amenity

- 12.55 Policy DP26 in part seeks to ensure that new development does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings. It is considered that this policy has very limited weight due to the publication of the NPPF and consideration should be given to policy P3 of the NPPF.
- 12.56 Policy P3 of the NPPF relates to living conditions and pollution. Part 2(b) of this policy requires proposals *'Not give rise to, or contribute to, an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water, soil or other forms of pollution on or beyond the site'*.
- 12.57 Chapter 8 of the Mid Sussex Design Guide relates to residential amenity. Principle DG45 requires proposals to demonstrate how privacy would be achieved between new and existing developments. Principle DG46 requires attractive and useable external amenity space for all homes. Principle DG47 requires all dwellings to have sufficient daylight and sunlight where single aspect north facing flats should be avoided.
- 12.58 The development is set back from Hammerwood Road. To the north on the opposite side of the highway are semi-detached dwellings. Due to the separation distance with the intervening highway and the retention of the boundary vegetation and trees, it is considered that the proposal would not result in significant harm to the amenities of dwellings on the opposite side of the highway.
- 12.59 To the east of the site is Yewhurst Close a residential cul-de-sac. The development is to utilise the access of this cul-de-sac for the vehicular entrance into the proposed site. This vehicular access is to be set away from the properties within this existing cul-de-sac with open landscaping areas retained either side. The access is to be opposite an existing hardstanding and parking area for no's 2 and 3 Yewhurst Close, with the front of these dwellings set back from the proposed access by some 20 metres. It is considered that the proposed access would not result in significant harm to the residential properties within the existing cul-de-sac or no's 2 and 3, which lie opposite the proposed access through noise and light pollution or overlooking.
- 12.60 The nearest residential property to the east of the site is no's 11 and 12 Yewhurst Close, which is a flatted development. This residential building is angled with the rear of the building and garden facing towards the boundary of the site. The rear corner of this residential building is some 3.8 metres from the boundary of plot 9, and the side elevation of plot 9 some 7.8 metres from this rear corner. The proposed dwellings would have a side relationship with the boundary of the dwelling. On the side elevation of plot 9 would be ground and first floor window serving a toilet and bathroom. Due to the windows and separation distance, with landscaping on the boundary, it is not considered that plot 9 would result in significant harm to the amenities of the residential properties of 11 and 12 Yewhurst Close through overlooking, a loss of privacy or an overbearing impact. Whilst there would be angled views of the site from these properties, it is considered that the proposal would not result in an unacceptable harm to the neighbouring occupants.

- 12.61 To the west there are a number of detached dwellings. However, due to the boundary screening and trees to be retained and an intervening area of private land between the site and the residential properties, it is considered that there will be no harm to the amenities of properties to the west of the site.
- 12.62 Overall, it is considered that due to the positioning of the proposed dwellings that there will be no significant harm to the amenities of existing surrounding neighbouring occupiers.
- 12.63 In respect of the relationship within the site between future occupiers, the proposed dwellings are to be well spaced with side-to-side relationships between dwellings along the northern and southern parts of the site. The rear gardens, parking areas, access and landscaped areas between plots 1 - 8 and plots 9 – 12 would also allow a suitable rear to front relationship between the proposed dwellings. As such it is considered that the proposed layout would not result in significant harm through overlooking or a loss of privacy between future occupiers of the site.
- 12.64 In light of the above, it is considered that the proposal would not cause an unacceptable level on health and quality of life for neighbouring residents or occupiers. The proposal thereby complies with policy P3(2) of the NPPF.

Air Quality

- 12.65 Policy SA38 in the SADPD states:

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

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

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

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

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

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

- 12.66 The Council's Air Quality Strategy sets out that the impacts of new developments within the district on air quality will be addressed through the planning regime, and decisions involved in key infrastructure initiatives such as large housing projects.

- 12.67 Policy P3 of the NPPF relates to living conditions and pollution. Part 2(c) of this policy requires proposals to *'Sustain and contribute to compliance with relevant limit values or national objectives and targets for air pollutants including PM2.5. Development proposals should take account of Air Quality Management Areas and be consistent with the objectives of relevant Air Quality Action Plans, Clean Air Plans and Local Air Quality Strategies'*.
- 12.68 The site is not located within an Air Quality Management Area (AQMA).
- 12.69 The Council's Environmental Protection Officer considers that the location is semi-rural and appears to be low risk with regard to noise and existing air quality.
- 12.70 However, due to the proposal being for major development the Council's Environmental Protection Officer has in their consultation response requested a condition in relation to air quality requiring a scheme of mitigation measures to improve air quality relating to the development. They identify a figure of £3,841 for mitigation measures in accordance with the Defra Air Quality Damage Cost Guidance (January 2023), using the 'air quality damage cost appraisal toolkit'. This can be used to fund onsite mitigation measures or to contribute to off-site mitigation measures. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.
- 12.71 In light of the above the above it is reasonable to conclude that the proposal will not have a significant impact on air quality, and with the use of appropriate conditions, the application complies with policy SA38 of the SADPD and the relevant policy of the NPPF.

Contaminated Land

- 12.72 Policy SAGEN of the SADPD includes a section in relation to contaminated land and states that proposals need to *'Investigate any potential land contamination from present or historical on site or adjacent land uses.'*
- 12.73 Policy SA26 of the SADPD sets out in relation to contaminated land that *'The land may be contaminated due to present or historical on site or adjacent land uses and is positioned over a secondary aquifer. Provide a detailed investigation into possible sources of adjacent/on-site contamination together with any remedial works that are required to ensure there is no risk to human health and/or groundwater supplies.'*
- 12.74 Policy P2 of the NPPF relates to ground conditions and requires sites should be suitable for their proposed use taking into account ground conditions including risks from contamination and the extent to which risks can be mitigated and the potential impacts on the natural environment arising from remediation.
- 12.75 The Council's Contaminated Land Officer has considered the proposal and considers that *'Given the proposed use of the site for housing, it is important that the potential risks associated with the made ground are properly assessed and, if necessary, mitigated to ensure the site is suitable for its intended use.'* As such they suggest a phased contaminated land condition and a discovery strategy be attached to any approval.
- 12.76 With such a condition in place it is considered that the application would comply with policy SA26 of the SADPD and policy P2 of the NPPF.

Affordable Housing and Mix

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

- 12.78 Policy DP31 of the MSDP seeks to secure 30% affordable housing on sites such as this (of developments of 11 dwellings or more). This is also reflected within Policy ASW15 of the AWNP however, this policy requires a minimum of 30% affordable housing on developments of 4 or more dwellings.
- 12.79 The proposal is to provide 4no. 2-bed dwellings, 4no. 3-bed dwellings and 4no. 4-bed dwellings. Within this, 4no. dwellings are to be affordable comprising of plots 5-8 which are all 2-bed dwellings.
- 12.80 The submitted Design and Access Statement sets out that these 4 affordable dwellings are to comprise of 75% (3x dwellings) for social or affordable rented homes and 25% (1x dwelling) for intermediate homes.
- 12.81 The Council's Housing Officer has considered the proposal and raise no objection. They consider that due to the size of the development and types of properties being provided, the affordable housing mix currently proposed will be acceptable.
- 12.82 As such the application accords with Policies DP30 and DP31 of the MSDP.

Housing Standards and Accessibility

- 12.83 Policy DP27 relates to dwelling space standards and states that:
- 'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:*
- Open market dwellings and affordable housing;*
 - The full range of dwelling types; and*
 - Dwellings created through subdivision or conversion.*
- All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'*
- 12.84 The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.
- 12.85 The proposal is to provide 4no. 2-bed 4 person dwellings, 4no. 3-bed 5 person dwellings, 3no. 4-bed 6 person dwellings and 1no. 4-bed 8 person dwelling. From the details submitted with the application, all dwellings would exceed the minimum floor standards.
- 12.86 Policy DP28 of the MSDP relates to accessibility and states:
- 'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.*
- This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.*
- With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.*

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

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

Wheelchair use dwellings

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

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

- 12.87 The submitted Design and Access Statement sets out that all of the units provide for level access and conform with Part M (Access to and use of buildings) of the Building Regulations and are to be fully accessible (and adaptable) for people with disabilities.
- 12.88 The proposal therefore complies with policies DP27 and DP28 of the District Plan and the National Dwelling Space Standards.

Flood Risk and Drainage

- 12.89 Policy DP41 relates to flood risk and drainage. This policy has very limited weight due to the publication of the NPPF and consideration should be given to policies CC3 and F8 of the NPPF.
- 12.90 Policy SA26 requires surface water drainage to be designed to incorporate SuDS and minimise run-off. In addition, it requires SuDS to be incorporated as an integral part of the green infrastructure proposal to improve biodiversity and water quality.
- 12.91 Policy CC3 of the NPPF relates to the adaptation to climate change and requires proposals to take into account the current and potential impacts of climate change over the lifetime of the scheme. In part this requires proposals to be located where the risk of flooding is minimised and incorporate sustainable drainage systems to manage surface water flow rates and reduce volume of runoff.
- 12.92 Policy F8 of the NPPF relates to sustainable drainage systems and watercourses. Part 1 of this policy states '*Development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal.*'
- 12.93 The site lies within Flood Zone 1 and is at a low-level risk of flooding.
- 12.94 A Flood Risk Assessment and Suds Report accompanies the application. This sets out that surface water run off produced as a result of these development proposals will be dealt with through the use of Sustainable Urban Drainage Systems. This would be through

a rainwater harvesting tank for each dwelling, an attenuation tank and large areas of permeable paving.

- 12.95 In addition, the submitted Flood Risk Assessment and Suds Report sets out that the proposed foul water drainage from the site will discharge via gravity to the southern foul water sewer in Yewhurst Close.
- 12.96 The West Sussex LLFA has considered the proposal and raise no objection subject to a condition in respect of works carried out in accordance with the surface water drainage scheme and the submission of a verification report.
- 12.97 The proposal is thereby considered to comply with policy SA26 of the SADPD and policies CC3 and F8 of the NPPF.

Trees

- 12.98 Policy DP37 of the District Plan relates to trees, woodland and hedgerows. Due to the publication of the NPPF this policy has very limited weight, and consideration should be given to Policy N6 of the NPPF.
- 12.99 Policy N6 of the NPPF relates to areas of particular importance for biodiversity and geodiversity. Within this there is a requirement that proposals which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 12.100 An Arboricultural Implications Assessment and Method Statement and Tree Protection Plan accompany the application. This sets out that a total of twenty-one individual trees, one group of trees and part of two further groups will be removed to enable the proposed development. The majority of the trees to be removed are within the C category due to their size or structural condition. Five further trees will be removed for arboricultural reasons. The report sets out of the trees to be removed, two are category B trees which are set within the site. In addition, 9 trees are to be affected by the construction of the development through hardsurfacing or a bin store within the root protection area (RPA) of trees. However, no-dig principles are to be carried out to allow the construction within the RPA's and use a cellular confinement system in order to minimise the excavations required. All trees that are to be retained on the site will be protected by the use of a tree protection barrier.
- 12.101 There are no tree preservation orders on trees within the site. Whilst the loss of some of the trees are regrettable, the site is allocated for housing development in the SADPD, where it has been accepted that due to the nature of the site that there will be some loss to trees.
- 12.102 Notwithstanding this, the trees on the boundary with Hammerwood Road are to be retained so that the development can retain the semi-rural character of the highway. Whilst on tree on the eastern boundary with Yewhurst Close would be removed to facilitate the access, this is a category C tree and a Portuguese laurel in a poor shape and form and not a native species.
- 12.103 The Council's Tree Officer has considered the proposal. They raise no objection, and state that the proposal has been designed to enable retention of the main arboricultural features of the site, and the loss of these two category B trees is acceptable, given this consideration. They request conditions in relation to the adherence of the submitted Arboricultural Implications Assessment and Method Statement and Tree Protection Plan as well as replacement planting within a landscaping condition. This could be dealt with as conditions to an approval.

12.104 The proposal would thereby be acceptable in terms of policy N6 of the NPPF.

Ecology and Biodiversity Net Gain

- 12.105 Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Act, all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act, certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).
- 12.106 Policy DP38 of the District Plan relates to biodiversity. However, this policy is materially inconsistent with national decision-making policies and should be given very limited weight. Consideration should be given to policy N2 of the NPPF.
- 12.107 Policy SA26 of the SADPD requires the following for the site in relation to biodiversity and green infrastructure:
- *Impact on the nearby Herries Pasture a Local Wildlife Site (LWS) and on-site wildlife habitat shall be fully considered and appropriate mitigation measures specified.*
 - *Restore and manage the areas of designated Deciduous Woodland Priority Habitat, introducing new parkland style mixed native planting and enhancing green corridors to the surrounding landscape and conserve and enhance habitats for native species.*
 - *Conserve and enhance areas of wildlife value and ensure there is a net gain to biodiversity overall. Avoid any loss of biodiversity through ecological protection and enhancement, and good design. Where this is not possible, mitigate and as a last resort, compensate for any loss.'*
- 12.108 Policy N2 of the NPPF seeks to improve the natural environment. Part 1f of this policy requires proposals to minimise any adverse impacts on biodiversity and include features which support priority or threatened species such as swifts, bats and hedgehogs. Part 2 of this policy sets out that *'If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused.'*
- 12.109 The application is accompanied by a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain Assessment, Dormouse Survey, Bat Survey and Great Crested Newt Report.
- 12.110 The PEA identifies that the site is predominantly woodland heavily dominated by cherry laurel and other non-native species, with limited ecological value compared with native woodland. In addition, there is a small area of modified grassland on the site.
- 12.111 In terms of bats, the PEA identifies that bat activity surveys recorded generally low levels of activity, mainly common and soprano pipistrelles. However, additional tree inspections are recommended before any tree removal, and a sensitive lighting strategy is required.
- 12.112 The PEA identifies that there are no badger setts on the sites, however, there is activity present. As such, it is recommended that an update walkover of the site be conducted as close to the start of the commencement of the works as possible to identify the presence of any further badger activity closer to or within the site. The results of this walkover will identify the need for any further mitigation, if any is required.
- 12.113 The PEA recommends a number of ecological measures including retaining and buffer boundary trees and woodland; the removal of the invasive cherry laurel and

rhododendron; providing bat boxes, bird boxes, hedgehog highways, log piles and bee bricks and the use of a sensitive lighting design.

- 12.114 The submitted Bat Survey sets out that bat activity on site was generally considered to be at 'low' levels, with occasional 'moderate' levels of activity recorded for common pipistrelle. A sensitive lighting scheme is recommended to ensure that the majority of the existing commuting/foraging flight paths are negatively impacted. The installation of bat boxes and the creation of linear planting features would also provide enhanced opportunities for bats.
- 12.115 The submitted Dormouse Survey identifies that the majority of the site comprised poor-quality habitat for dormice. No evidence of dormouse was found during the survey, and no further surveys are recommended. However, enhancement measures of new native tree and shrub planting have been suggested to benefit dormice and other local wildlife species.
- 12.116 The site lies within a red impact risk zone for Great Crested Newts. As such, a Great Crested Newt report has been submitted. Whilst there are no ponds within the site, there is a total of eight waterbodies within 500m of the site, however, only two with no barriers to dispersal, were found to still exist or have water in them. The report sets out that the majority of the site comprises poor-quality habitat for Great Crested Newts. As such it is not considered likely that Great Crested Newts would be using the site and as such, the use of reasonable avoidance measures (RAMS) is considered appropriate mitigation.
- 12.117 The Council's Ecology Consultant has considered the proposal in relation to the Dormouse Survey, Bat Survey and Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment and raises no objection subject to conditions. They are satisfied that there is sufficient ecological information to support determination of the application. They support the recommendation that a Wildlife Friendly Lighting Strategy is implemented to avoid impacts from light disturbance to bat which should be secured by condition. In addition, they recommend a condition to secure the mitigation measures identified in the Dormouse Survey Report, Bat Survey and Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment.
- 12.118 In respect of Great Crested Newts, NatureSpace has considered the details submitted. They recommend a Reasonable Avoidance Measures (RAMs) Method Statement should be followed and that this should be secured by condition.
- 12.119 Officers support the above comments from the Council's Ecology Consultant and NatureSpace.
- 12.120 Biodiversity net gain (BNG) is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
- 12.121 The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

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

(a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and

(b) the planning authority has approved the plan (see paragraph 15)'.

- 12.122 The submitted BNG Metric sets out that the site would result in a biodiversity net loss of 13.94%.
- 12.123 Due to the nature of the site, it is not possible to undertake on-site mitigation. The proposal would therefore seek to purchase off-site credits through a habitat bank to create new habitat or enhancement through a habitat bank which is considered acceptable.
- 12.124 The submitted Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain Assessment, confirms that the proposal will need to purchase off-site biodiversity units from a BNG habitat bank to provide a 10% net gain in habitat units whilst also satisfying the trading rules.
- 12.125 The Council's Ecology Consultant considers that there is sufficient information provided at this stage and that the application would be subject to the BNG condition.
- 12.126 The proposal subject to conditions thereby complies with policy SA26 of the SADPD and policy N2 of the NPPF.

Sustainability

- 12.127 Policy DP21 of the District Plan in part it requires schemes to be '*sustainably located to minimise the need for travel*'. Policy DP39 of the District Plan relates to sustainable design and construction. Both these DP policies are considered to be materially inconsistent with national decision-making policies in the Framework and should be given very limited weight.
- 12.128 Policy CC2 of the NPPF relates to the mitigation of climate change. It sets out the requirements for proposal in order to contribute to climate change mitigation and the transition to net zero. This includes the prioritisation of sustainable patterns of movement and the use of design approaches to conserve energy and other resources.
- 12.129 The submitted Design and Access Statement incorporates a sustainability statement. This sets out that the proposal incorporates a range of sustainable design and construction measures. This includes A+ rated construction elements including pitched roof construction, internal upper floors, internal timber partitions and external cavity walls, responsible sourcing of materials, low energy lighting and water-efficient fixtures. The design and orientation of the dwellings allow for natural ventilation.
- 12.130 In addition, the proposal will provide active EV charging points as well as cycle storage for each dwelling.
- 12.131 Whilst the site is within the countryside it is located on the edge of a category 3 settlement which is defined as a medium sized village which provides essential services for the needs of its residents and immediate surrounding communities. The site is not within an isolated location considering the surrounding dwellings, and the cul-de-sac of 'Yewhurst Close' located to east of the site. There is a footway opposite the site which leads to the village and the site is in close proximity to the primary school. Within a short walking distance of the site (some 400 – 600 kms) are bus stops on Hammerwood Road and War Hill Road to the west of the site which run to East Grinstead, Crawley and Tunbridge Wells which offers an alternative to the private vehicle to allow access to the wider area and facilities.
- 12.132 In light of the above, it is considered that the proposal complies with policy CC2 of the NPPF.

Infrastructure

- 12.133 Policy DP20 of the MSDP relates to securing infrastructure. It is considered that this policy has very limited weight due to the publication of the NPPF and consideration should be given to policy DM6 of the NPPF.
- 12.134 The Council has two approved Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:
- a) An Affordable Housing SPD
 - b) A Development Viability SPD.
- 12.135 Policy DM6 of the NPPF relates to the use of planning conditions and obligations. It sets that *'Planning obligations should only be used where it is not possible to address potential unacceptable impacts through a planning condition.'* (DM6(4)).
- 12.136 The NPPG – Planning obligations sets out that:
- 'Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:*
- necessary to make the development acceptable in planning terms;*
 - directly related to the development; and*
 - fairly and reasonably related in scale and kind to the development.*
- These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) Paragraph: 002 Reference ID: 23b-002-20190901*
- 12.137 As Members will know, developers are only required to mitigate the impact of their proposed development: there is no requirement to address any pre-existing infrastructure deficiencies. Infrastructure will be secured through the use of planning obligations as set out under policy DM6 of the NPPF.
- 12.138 Build costs have risen substantially since the “Development Infrastructure and Contributions” SPD was adopted in July 2018. It is critical that new development mitigates its impact on local residents and communities. The Council revoked the SPD on 14th July 2025 and now relies on more up-to-date evidence on infrastructure costs by using Position Statement 2: Infrastructure, which has been approved by the Council as a material consideration. This Position Statement applies to all application received from 11th December 2025. As this application was received in October 2025, Appendix 5 of the Submission Draft District Plan has been used to calculate all Section 106 contributions due as this is based on the IDP, which (although it has not been the subject of examination) is the most up-to-date evidence available and is considered by officers to be robust, and your Planning Officer notes that there were no objections to Appendix 5 of the Submission Draft District Plan, which is also relevant to the weight that can be given to it.
- 12.139 Having regard to the relevant policy in the NPPF, the SPDs and Regulation 122, the infrastructure set out below is to be secured via a planning obligation.
- West Sussex County Council Infrastructure Requirements:
- 12.140 Further education, secondary and primary school contributions, a library contribution and a TAD contribution would be required.
- 12.141 The primary education contribution of £56,970 generated by this proposal shall be spent on additional facilities at Ashurst Wood Primary School, or another primary school in the

planning area of East Grinstead should this be more suitable at the time that the contribution is made.

- 12.142 The secondary education contribution of £55,969 generated by this proposal shall be spent on additional facilities at Sackville School, or another secondary school in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.
- 12.143 The further secondary education contribution of £12,089 generated by this proposal shall be spent on additional facilities at Sackville School Sixth Form or another sixth form facility in the planning area of East Grinstead should this be more suitable at the time that the contribution is made.
- 12.144 The library contribution of £5,879 generated by this proposal shall be spent on providing additional facilities at East Grinstead Library.
- 12.145 The TAD contribution of £52,420 generated by this proposal shall be spent on active travel improvements in Ashurst Wood to consist of:
- Dropped kerb and tactile paving to west of Yewhurst Close and/or
 - Re-alignment of dropped kerb and tactile paving at junction of School Lane/Hammerwood Road and/or
 - Any other Active travel improvements required to mitigate the development

Mid Sussex District Council Infrastructure Requirements (including health requirements)

- 12.146 Community buildings: A contribution of £18,049 is required for improvements to Ashurst Wood Village Centre and/or John Pears pavilion and/or Ashurst Wood Recreation Ground Pavilion.
- 12.147 Play Space: The application does not propose on-site provision of play space. Therefore, a contribution of £45,176 is required: This is split: £25,157 for equipped play areas and £20,019 as other outdoor provision. These contributions should be for improvements to play equipment and other outdoor provision at Ashurst Wood Recreation Ground and/or John Pears Field.
- 12.148 Formal Sports: A contribution of £17,937 is required for formal sports. This contribution should be spent towards improvements to sports facilities at Ashurst Wood Recreation Ground and/or John Pears Field and/ or Ashurst Wood Community Tennis Club.
- 12.149 Local community infrastructure. A contribution of £12,839 is required for local community infrastructure. This contribution should be spent on improvements to allotments in Ashurst Wood.

NHS Sussex

- 12.150 Requires a contribution of £23,742 to go towards NHS GP services at Moatfield GP Surgery.
- 12.151 It is considered that the above contributions are reasonable and necessary to mitigate the impact of this development. Subject to the completion of a s106 legal agreement to secure the required infrastructure contributions and a condition regarding digital infrastructure, the development accords with policy DP23 of the MSDP, the relevant SPDs, Regulation 122 and policy DM6 in the NPPF. In relation to digital infrastructure, as required by policy DP23 of MSDP, details of this provision can be secured via a condition, and a suitable wording is set out in Appendix A.

Ashdown Forest

- 12.152 Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority – in this case, Mid Sussex District Council – has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).
- 12.153 The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.
- 12.154 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.

Recreational disturbance

- 12.155 Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.
- 12.156 In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.
- 12.157 This planning application is within the 7km zone of influence and generates a net increase of 12 dwellings, and as such, mitigation is required.
- 12.158 An appropriate scale of SAMM mitigation for the proposed development is £14,040, and if the approved scheme provides for a strategic SANG contribution, this would be £63,036.
- 12.159 The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.
- 12.160 The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.
- 12.161 The financial contributions for SAMM and SANG mitigation are to be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").
- 12.162 Once the Planning Obligation securing the SAMM and SANG contributions has been completed, it is considered that the mitigation of the recreational impact to the Ashdown

Forest can be secured. The proposal therefore accords with Policy DP17 of the Mid Sussex District Plan.

- 12.163 Natural England has been consulted on the appropriate assessment of this proposed development and raise no objection subject to securing appropriate mitigation.

Atmospheric pollution

- 12.164 Increased traffic emissions as a consequence of new development may result in atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.
- 12.165 The proposed development was modelled in the Mid Sussex Transport Study as a development allocated through the Site Allocation Development Plan Document 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. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

- 12.166 The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.
- 12.167 The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.
- 12.168 No mitigation is required in relation to the Ashdown Forest SAC.
- 12.169 Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

Other matters

- 12.170 SA26 of the SADPD sets out that the site lies within the brick clay (Wadhurst clay) Minerals Safeguarding Area, therefore the potential for mineral sterilisation should be considered in accordance with policy M9 of the West Sussex Joint Minerals Local Plan (2018) and the associated Safeguarding Guidance.
- 12.171 M9 of the West Sussex Joint Minerals Local Plan (2018) relates to safeguarding minerals and states in part *'Proposals for non-mineral development within the Minerals Safeguarded Areas (as shown on maps in Appendix E) will not be permitted unless:*
(i) Mineral sterilisation will not occur; or
(ii) it is appropriate and practicable to extract the mineral prior to the development taking place, having regards to the other policies in this Plan; or

(iii) the overriding need for the development outweighs the safeguarding of the mineral and it has been demonstrated that prior extraction is not practicable or environmentally feasible.'

- 12.172 The site is identified as a Brick Clay Resource Mineral Safeguarding Area.
- 12.173 No comment has been provided by WSCC Minerals and Waste Officer as the site does not meet the criteria.
- 12.174 It is your Officers view that due to the size of the site and the relationship with residential properties, that the site would not be a suitable location for mineral extraction. In addition, it is considered that the benefits of the development outweighs the safeguarding of the mineral resource.

Water supply

- 12.175 No information has been received from the applicant confirming agreement with the water supplier for the area that there is adequate water supply to serve the development.
- 12.176 However, as set out under Policy DM7 (1) of the NPPF *'Development proposals should be assessed on the basis of whether they would be an acceptable use of land. Matters which are controlled by separate regulatory regimes may, in the context of a particular development proposal, be a material consideration where they have land-use implications. Decision-makers should assume, unless there is clear evidence to the contrary, that those separate regimes will operate effectively.'*
- 12.177 In addition, para 2 of Policy DM7 sets out that *'Planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes'*.
- 12.178 Whilst locals and Members may have concerns on whether there is an adequate water supply to serve the development due to issues that have been experienced in the area, this cannot be a reason to resist the development as it is controlled through other legislation of the Water Act.

13.0 Planning Balance and Conclusion

- 13.1 This application seeks planning permission for the erection of twelve houses, comprising 4no. two-bedroom houses, 4no. three-bedroom houses and 4no. four-bedroom houses, with associated access (via Yewhurst Close) and parking at land south of Hammerwood Road, Ashurst Wood.
- 13.2 The site is allocated for residential development (12 dwellings) under policy SA26 of the Site Allocations Development Plan Document (SADPD).
- 13.3 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Ashurst Wood Neighbourhood Plan (AWNP).
- 13.4 Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy, or with every aspect of an individual policy, within the Development Plan.

- 13.5 The NPPF states that planning should be genuinely plan-led.
- 13.6 Policy SA26 of the SADPD is the most important policy for determining the application, as it allocates the site for residential development for 12 dwellings.
- 13.7 Policy S3 of the NPPF relates to the presumption in favour of sustainable development and sets out that decisions should apply a presumption in favour of sustainable development.
- 13.8 Policy S5 of the NPPF relates to the principle of development outside settlements. It lists a number of reasons on the certain forms of development which should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies. Policy S5 (1i) relates to the development of land allocated for that purpose in the development plan. This is relevant as the site is allocated for housing within the SADPD.
- 13.9 As the proposal is allocated and complies with the development plan and policy S5 of the NPPF, the application should be approved without delay as set out in policy S3 (1c) of the NPPF.
- 13.10 The proposal is of an appropriate design and scale which would relate to the surrounding development and have a positive edge to the area. The retention of the boundary vegetation including that on Hammerwood Road would soften the development and retain the semi-rural character of this part of Ashurst Wood. The proposal would form a sensitive extension to Ashurst Wood which would maintain the character of the countryside and conserve the National Landscape in this part of the District.
- 13.11 The proposal by utilising the existing access from Yewhurst Close is considered acceptable and would not result in highway safety issues. There would be an acceptable level of on-site car parking to serve the development.
- 13.12 Although there is to be a loss of trees and vegetation on the site, this has been accepted through the site being allocated for development under Policy SA26 of the SADPD. Notwithstanding this boundary vegetation is to be retained and there would be replacement planting to mitigate the impact of the loss of trees.
- 13.13 Due to the position of the dwellings and the relationship with surrounding residential properties, the proposal would not result in an unacceptable level of access to daylight and sunlight for neighbouring residents and occupiers, or unacceptable levels of air, noise, artificial light, water soil or other forms of pollution.
- 13.14 In terms of the scheme's benefits, the proposal would result in 12 new dwellings on an allocated site including 30% affordable housing. The construction of the development will likely provide local jobs and employment opportunities which is also a positive economic impact and once occupied result in spending within the locality. From an environmental view, the proposed development is of a sustainable design and construction, seeking to minimise energy use and using renewable sources of energy. The development would contribute to the Council's much needed housing supply and make effective use of the land. This is all positive in the planning balance.
- 13.15 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. Whilst it is acknowledged that the site would result in a biodiversity net loss of 13.94%, the proposals would seek to purchase off-site credits through a habitat bank to create new habitat or enhancement through a habitat bank which is considered acceptable in terms of biodiversity net gain. Although mandatory, the fact that the proposal will deliver a net gain in biodiversity, should be given positive weight in the planning balance.

- 13.16 Whilst there would be a loss of trees to the site, their removal has been accepted through the site being allocated for housing development.
- 13.17 The neutral impacts relate to highways, neighbouring amenities, impact on Ashdown Forest and drainage.
- 13.18 In weighing up these issues, when taken together, it is not considered that the benefits of approving the development would be substantially outweighed by the adverse effects to trees.
- 13.19 There are no other material considerations that would alter the above planning balance.
- 13.20 Accordingly, the application is recommended for approval.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

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

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

Approved Plans

2. 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.

Pre commencement

3. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
 - o 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 Policies P3(2) and TR4 of the NPPF.

4. Prior to the commencement of development, 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 (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

5. Archaeological trial trenching and excavation
 - (1) No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted by the applicant, for approval by the Local Planning Authority.
 - (2) No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological investigation identified in the WSI defined in 1 above, and any subsequent mitigation has been agreed.
 - (3) The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and/or an Updated Project Design for approval by the Local Planning Authority. This shall be submitted within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance by the Local Planning Authority.

Reason: The site is of archaeological significance, and it is important that it is recorded by excavation before it is destroyed by development and to accord with Policy HE4 of the NPPF.

6. Prior to the commencement of development approved by this planning permission, the following components of a scheme to deal with the risks associated with contamination of the site, shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - a) A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors

o potentially unacceptable risks arising from contamination at the site

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

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

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

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

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

7. Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme shall be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of the application. The calculated figure of £3,841 submitted in the Sarnlea Emissions Mitigation Assessment and Statement is accepted and agreed. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions and emissions in accordance with policy SA38 of the Site Allocation DPD and Policy P3 of the NPPF.

8. No development above ground slab level shall be carried out unless and until a schedule of materials and finishes to be used for facing materials of external walls, roofs of the proposed dwellings have been submitted to and approved by the Local Planning Authority. The works shall be carried out 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 D3 of the NPPF.

9. No development above ground slab level shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority full details of a hard and soft landscaping scheme including boundary. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policy D3 of the NPPF.

10. No development shall be carried out above ground slab level unless and until a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025), shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under Policy N2 of NPPF and s40 of the NERC Act 2006 (as amended).

11. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Dormouse Survey Report Version 01 (Deepdene Ecology, October 2025), Bat Survey - 2024 Activity Surveys (The Ecology Partnership, July 2025) and Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This includes the Precautionary Method Statement for Badger and small mammals in Sections 4.21 and 4.22 of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (The Ecology Partnership, September 2025), which avoids impacts on protected species.

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

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

Construction phase

12. Unless otherwise agreed in writing with the LPA, no construction plant or machinery (including generators) shall be used and no commercial goods or commercial waste shall be delivered or collected within the application site outside the hours of 08:00 - 18:00 Hours Monday - Friday, 09:00 - 13:00 Hours Saturday, and no work permitted on Sundays or Bank/Public Holidays.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected and to accord with Policy P3(2) of the NPPF.

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

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

14. The works shall be carried out in accordance with the Arboricultural Implications Assessment and Method Statement dated September 2025 and the Tree Protection Plan (drwg 22-1450-TPP).

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy N6 of the NPPF.

Pre-occupation

15. Upon completion of the surface water drainage scheme and prior to the first occupation of the development a detailed verification report (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), has been submitted to and approved (in writing) by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved and shall include as a minimum:
1. CCTV survey of underground structures,
 2. A full set of "as built" drawings highlighting any minor changes to the approved drawings.
 3. Demonstration that vegetation has become established.
 4. Photographs of excavations (including soil profiles/horizons) and any installation of any surface water drainage structures and control mechanisms.
 5. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.
 6. Name and contact details of any appointed management company

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with Policy CC3 of the NPPF.

16. Prior to the completion of the development hereby permitted, a verification report prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall demonstrate that any remediation scheme required and approved has been implemented in full and in accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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

17. Prior to occupation of any part of the development, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated

that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

18. No dwelling shall be first occupied until the car parking serving the respective dwelling has been constructed in accordance with the approved site plan. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate on-site car parking and turning space within the development and to accord with Policy T4 of the NPPF

19. No part of the development shall be first occupied until covered and secure cycle parking spaces serving the development have been provided in accordance with the approved plans. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide adequate on-site car parking and turning space within the development and to accord with Policy T4 of the NPPF.

20. The works shall be carried out in accordance with the Great Crested Newt Report (June 2026 v01).

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

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

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

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

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

Biodiversity Net Gain

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

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

Informatives

1. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
2. In order to protect public apparatus, Southern Water requests that if consent is granted, the following pre commencement condition is attached to the planning permission; The developer must advise the local authority (in consultation with Southern Water) of the landscaping proposals in proximity of public apparatus in order to protect it in accordance with Southern Water's guidance, prior to the commencement of the development.
3. Any new connections to the public sewerage system will require a Section 106 connection application to be submitted and approved by Southern Water Services. Please note that, where there are separate systems available Southern Water will not allow surface water to connect into the public foul sewer. If this is not possible, please provide evidence that all other options have been explored.
4. In order to ensure approval in respect of condition 7, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer. Measures required under other regimes or policies may not be double counted. However, the secure bicycle storage referred to on page 8 of the Sarnlea statement would be acceptable.
5. 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.

6. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifyingconditions> (Fee of £145 will be payable per request). If you carry out works prior to a predevelopment condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.
7. 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.

Human Rights Implications

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

Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Submitted Date
Other	Bike sheds		02.12.2025
Location Plan			01.10.2025
Proposed Site Plan	923:1181/PL100		02.12.2025
Proposed Site Plan	923:1181/PL100	A	02.12.2025
Block Plan			01.10.2025
Street Scene	923:1181/PL105		01.10.2025
Street Scene	923:1181/PL105	Colour	01.10.2025
Proposed Floor and Elevations Plan	923:1181/PL101		01.10.2025
Proposed Floor and Elevations Plan	923:1181/PL102		16.10.2025
Proposed Floor and Elevations Plan	923:1181/PL103		16.10.2025
Proposed Floor and Elevations Plan	923:1181/PL104		16.10.2025
Topographical Survey	S22/8940/01		01.10.2025
Proposed Sections	923:1181/SK100		01.10.2025
Tree Survey	22-1450-TPP		01.10.2025