

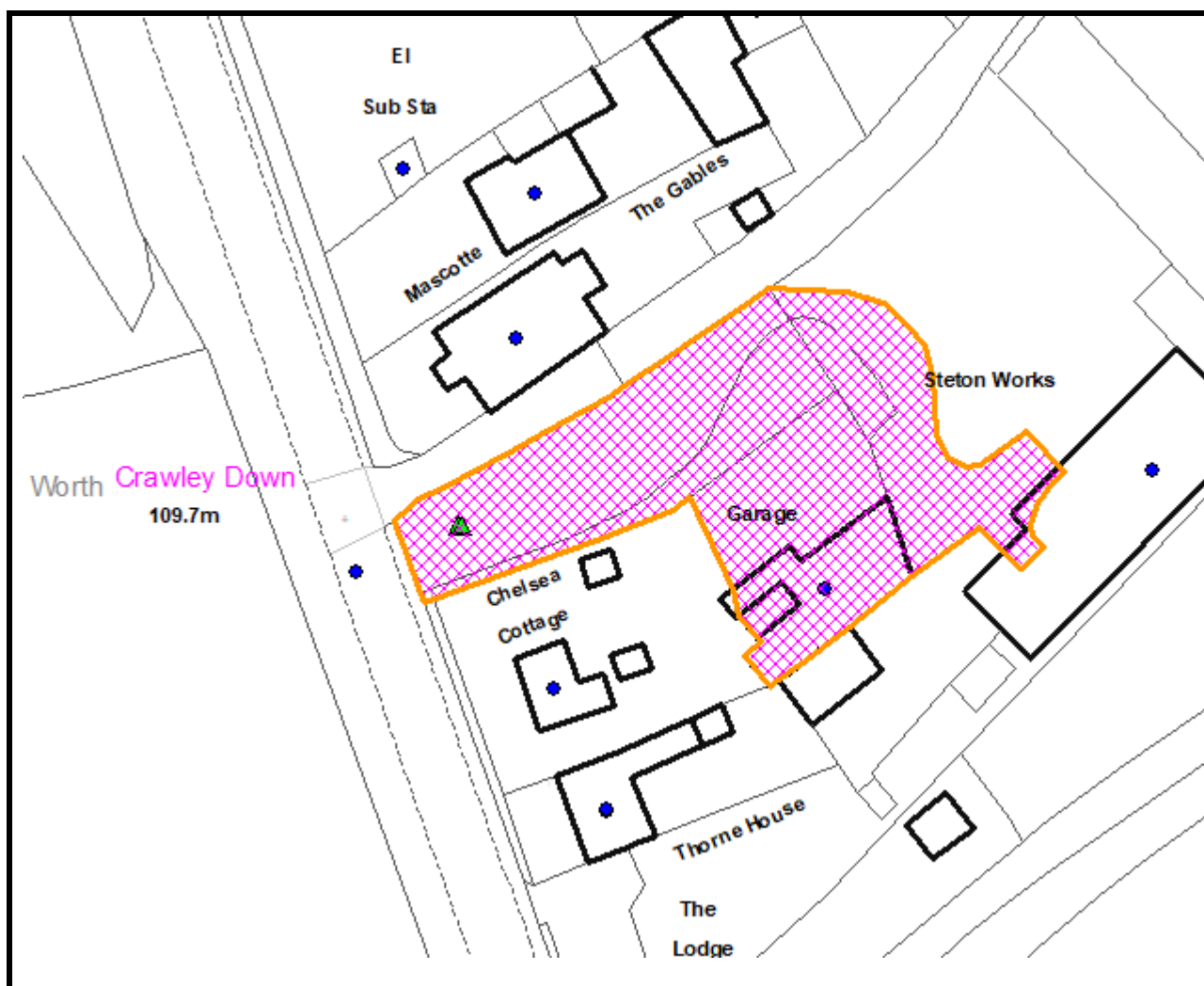
Planning Committee



Recommended for Permission

21st May 2026

DM/25/2995



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Site:	Steton Works Turners Hill Road Crawley Down West Sussex
Proposal:	The proposed development involves the demolition of all existing buildings on-site, currently used as a garage/shed, to be replaced with two semi detached dwellings (Residential C3) and associated parking.
Applicant:	Mr James Meachim
Category:	Minor Dwellings
Target Date:	22nd May 2026
Parish:	Worth

Ward Members:	Cllr Ian Gibson / Cllr John Hitchcock /
Case Officer:	Joanne Fisher

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=T62NU6KT04L00>

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 demolition of all existing buildings on-site with two semi-detached dwellings and associated parking at land at Steton Works, Turners Hill Road, Crawley Down.
- 2.2 Planning legislation requires the application to be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Crawley Down Neighbourhood Plan (CDNP).
- 2.3 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP21, DP26, DP27, DP34, DP37, DP38, DP39 and DP41 and Neighbourhood Plan policies CDNP05, CDNP06, CDNP08, CDNP09 and CDNP10.
- 2.4 Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP6, and DP15 of the District Plan. There is partial conflict with policy DP12, but the proposal does maintain the quality of the landscape character.
- 2.5 As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.'
- 2.6 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 2.7 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having

particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

- 2.8 In terms of the scheme's benefits, socially, the provision of two new dwellings will bring about positive impacts to the local community. 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 proposal would be due to its design, materials and scale relate to the development currently under construction rearward in the site. The site due to its proximity to bus stops is also considered to be fairly sustainable. This is all positive in the planning balance.
- 2.9 Whilst the proposal conflicts with some policies in the development plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that, while this is only two new dwellings, it would still contribute to the Council's much needed housing supply and make effective use of the land.
- 2.10 The neutral impacts relate to highways, ecology, neighbouring amenities, impact on Ashdown Forest and drainage. In addition, the proposal would preserve the setting of the Grade II listed dwelling of Chelsea Cottage.
- 2.11 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 2.12 In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome the proposal's conflict with the development plan.
- 2.13 There are no other material considerations that would alter the above planning balance.

3.0 Recommendation

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

4.0 Summary of Representations

- 4.1 None received.

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.

Highways Authority

No objection subject to conditions.

MSDC Conservation Officer

I would consider that the proposal as amended will result in a low-mid level of less than substantial harm, through impact on setting, to the special interest of Chelsea Cottage.

MSDC Ecology Consultant

No objection subject to conditions.

MSDC Tree Officer

No objection. Condition.

MSDC Drainage

No objection.

MSDC Environmental Protection

No objection subject to conditions.

MSDC Contaminated Land

No objection subject to conditions.

MSDC Street Name and Numbering

Informative.

Gatwick Aerodrome Safeguarding Officer

No objection.

NATS

No safeguarding objection.

Southern Water

In order to protect and safeguard the existing water supply apparatus, Southern Water requests formal notification of any proposed demolition works prior to such works being undertaken.

6.0 Parish Council Observations

6.1 Defer to Officer.

7.0 Introduction

7.1 Permission is sought for the demolition of all existing buildings on-site with two semi-detached dwellings and associated parking at land at Steton Works, Turners Hill Road, Crawley Down.

8.0 Relevant Planning History

8.1 DM/22/0867 - Outline application for the demolition of all existing buildings on-site, currently used for MOT/Garage/Tyre centre (B1/B2 Sui Generis), to be replaced with 5 dwellings (Residential C3) and associated parking. Refused

- 8.2 AP/23/0015 - Outline application for the demolition of all existing buildings on-site, currently used for MOT/Garage/Tyre centre (B1/B2 Sui Generis), to be replaced with 5 dwellings (Residential C3) and associated parking. Allowed.
- 8.3 DM/22/2589 - Demolition of all existing buildings on-site, previously used as a MOT / Garage / Tyre centre (B1/B2 Sui Generis) to be replaced with 4 dwellings (C3) and associated parking. Refused.
- 8.4 AP/23/0016 - Demolition of all existing buildings on-site, previously used as a MOT / Garage / Tyre centre (B1/B2 Sui Generis) to be replaced with 4 dwellings (C3) and associated parking. Allowed.
- 8.5 DM/24/2981 - Variation of condition 4 of planning appeal ref AP/23/0015 (DM/22/0867) - To allow for design changes. Approved.
- 8.6 DM/25/1060 - Discharge of condition no's 6, 7 and 8 relating to planning appeal AP/23/0015 (Original app DM/22/0867). Pending consideration.
- 8.7 DM/25/0483 - Reserved matters application following Outline approval DM/22/0867 (AP/23/0015) for Improvements to the landscaping strategy and enhanced planting. Approved.
- 8.8 DM/25/2559 - Discharge of planning condition no 11 relating to planning reference DM/24/2981. Approved.
- 8.9 DM/26/0911 - Discharge of condition no's 13, 14, 15, 16 and 17 relating to planning application DM/24/2981. Pending consideration.

9.0 Site and Surroundings

- 9.1 The site forms part of the garden of Chelsea Cottage with a single storey detached timber outbuilding used as a garage and workshop. Adjoining this to the northeast is Steton Works a former commercial site which has permission for the construction of 5no. dwellings which is nearing completion.
- 9.2 Chelsea Cottage is a detached Grade II listed building fronting onto Turners Hill Road. To the north-west is an existing access road which leads to the rearward development nearing completion, with houses beyond. To the south-east are dwellings and their rear gardens. To the south-west is the driveway, garden and rear of Chelsea Cottage. On the opposite side of Turners Hill Road are fields. There is a pavement running along the side of the highway leading to Crawley Down and there is a bus stop in close proximity to the site.
- 9.3 The site lies within the countryside as defined in the District and Neighbourhood Plan.

10.0 Application Details

- 10.1 Permission is sought for two dwellings forming a semi-detached pair at the southern portion of the site with associated landscaping and parking. The proposal includes the demolition of a single storey building. The two proposed dwellings will utilise the access arrangement approved under outline planning application DM/22/0867 which was the existing access for the former commercial site.
- 10.2 The dwellings would be of a similar design and scale to the semi-detached dwellings constructed as part of the recent development on Steton Works. The proposed dwellings would be of two-storeys with pitched elements and a hipped roof. The dwellings would be constructed in brick with tile hanging to first floor pitched elements and timber cladding to

the side elevation of the single storey catslide. The dwellings would have a canopy porch and to the rear a single pitched roof dormer.

- 10.3 The dwellings would comprise of a kitchen/breakfast room, living room, study and toilet at ground floor with 3 bedrooms (one en-suite) and a family bathroom at first floor.
- 10.4 Parking for plot 6 would be to the front set within the cul-de-sac of the new development, with the parking for plot 7 to the side set off the access road. The rear gardens would back onto the garden of Chelsea Cottage with a 2-metre-high brick wall with pleached trees. This rear wall would be set some 27 metres from the rear elevation of Chelsea Cottage.
- 10.5 Refuse and recycling would be set to the side access shared with the rest of the development.

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 Mid Sussex District Plan (MSDP), Site Allocations Development Plan Document (SADPD), and the Crawley Down Neighbourhood Plan (CDNP).

- 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

DP15 - New Homes in the Countryside

DP21 - Transport

DP26 - Character and Design

DP27 - Dwelling space standards

DP29 - Noise, Air and Light Pollution

DP34 - Listed Buildings and Other Heritage Assets

DP37 - Trees, Woodland, and Hedgerows

DP38 - Biodiversity

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

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.

There are no relevant policies.

Crawley Down Neighbourhood Plan

- 11.10 The Crawley Down Neighbourhood Plan was made in January 2016 and forms part of the development plan. The relevant policies are considered to be:

CDNP05: Control of New Developments

CDNP06: Sustainable Drainage Systems

CDNP05: Control of New Developments

CDNP08: Prevention of Coalescence

CDNP09: Protect and Enhance Biodiversity

CDNP10: Promoting Sustainable Transport

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

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

- 11.11 The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on the 19th March 2026. 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

DPN1 - Biodiversity Net Gain

DPN4 - Trees, Woodland, and Hedgerows

DPN6 - Pollution

DPN7 - Noise Impacts

DPN10 - Land Stability and Contaminated Land

DPC1 - Protection and Enhancement of the Countryside

DPC3 - New Homes in the Countryside

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPT1 - Placemaking and Connectivity

DPT3 - Active and Sustainable Travel

DPT4 - Parking and Electric Vehicle Charging Infrastructure

DPH1 - Housing

DPH11 - Dwelling Space Standards

Mid Sussex Design Guide Supplementary Planning Document (SPD)

- 11.12 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.

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

National Planning Policy Framework (NPPF) (December 2024)

- 11.13 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social, and environmental.
- 11.14 Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*
- 11.15 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.
- 11.16 Paragraph 12 of the NPPF states;
- 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
- 11.17 Paragraph 39 of the NPPF states;
- 'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'*
- 11.18 With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Design Guide

- 11.19 Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.
- 11.20 Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

Technical Housing Standards

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;

- Design and Impact on the character and appearance of the area;
- Impact on setting of listed building;
- Highways;
- Impact on Residential Amenity;
- Housing Standards;
- Flood Risk and Drainage;
- Trees;
- Ecology and Biodiversity Net Gain;
- Sustainability;
- Ashdown Forest; and
- Planning Balance and Conclusion.

Principle

- 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 Crawley Down as defined by the District Plan. As such the site is located within the defined countryside.
- 12.4 Policy DP12 of the MSDP refers to the protection of the countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.
- 12.5 Policy DP6 of the MSDP states in part that:
- 'Outside defined built-up area boundaries, the expansion of settlements will be supported where:*
- 1. The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
 - 2. The site is contiguous with an existing built-up area of the settlement; and*
 - 3. The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*
- 12.6 The proposed residential development is for two dwellings; however, it does not meet criteria 2 of the above policy.
- 12.7 Policy DP15 of the MSDP refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;

- Essential agricultural or forestry workers accommodation
- Exceptional design quality for isolated new homes
- Rural exception sites
- DP6 requirements being met

- 12.8 The proposed residential development does not meet any of these special justifications in policy DP15.
- 12.9 Policy CDNP08 of the Neighbourhood Plan relates to the prevention of coalescence in order to ensure that development does not detract significantly from the openness and character of the landscape nor reduce the gap between the village and neighbouring settlements. It is considered that due to the position of the development and the relationship with the surrounding properties that the proposal would not result in coalescence.
- 12.10 There are no other relevant policies in the District Plan, any other development plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site. Whilst there is some compliance with Policy DP12, insofar as the development is deemed to maintain or enhance the quality of the rural and landscape character, as demonstrated in the design/visual amenity sub-section, the principle of the application does conflict with the development plan, in terms of what type of development is allowable under Policies DP6, DP12 and DP15.
- 12.11 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.
- 12.12 The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.
- 12.13 Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 12.14 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;

'For decision-taking this means;

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

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

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

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making

effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

- 12.15 Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.
- 12.16 Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of deliverable housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.
- 12.17 Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five-year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.
- 12.18 In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If, however, the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).
- 12.19 As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF.
- 12.20 Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.
- 12.21 Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.
- 12.22 Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.
- 12.23 Policy CDNP08 (Prevention of Coalescence) seeks to protect the openness and character of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and

given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

- 12.24 Therefore, the key test that must be undertaken when assessing this application is as set out within para 11(d) of the NPPF.
- 12.25 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

- 12.26 One of the objectives of achieving sustainable development is to ensure that proposals *'contribute to protecting and enhancing our natural, built and historic environment'* (para 8, NPPF).
- 12.27 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. Policy DP12 of the District Plan in part requires proposals to *'maintains or where possible enhances the quality of the rural and landscape character of the District'*.
- 12.28 Para 187 of the NPPF requires proposals to contribute to and enhance the natural and local environment *by 'recognising the intrinsic character and beauty of the countryside'*.
- 12.29 Policy DP26 of the MSDP relates to character and design and requires all proposals to be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside as well as addressing the character and scale of the surrounding buildings and landscape. In part the policy requires proposals to be of a high-quality design and layout and includes appropriate landscaping and greenspace; and creates a sense of place while addressing the character and scale of the surrounding buildings and landscape.
- 12.30 Policy CDNP05 of the Crawley Neighbourhood Plan relates to the control of new development and sets out that new residential development will be granted subject to a number of criteria including that the scale, height and form fit unobtrusively with the surrounding buildings and the character of the area.
- 12.31 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.
- 12.32 Para 131 of the NPPF seeks the creation of high quality, beautiful and sustainable buildings, and states that good design is a key aspect of sustainable development and creates better places in which to live and work. In addition, para 135b of the NPPF requires developments to be visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.

- 12.33 Whilst forming rearward development within the site, the proposal is to continue the existing cul-de-sac which the site adjoins and replace an existing large single storey building. The design of the dwellings is considered to be of an appropriate design, scale and materials to the dwellings constructed within the new cul-de-sac. The proposed mix of materials and pitched elements seek to provide visual interest in the design of the dwellings and also to respond to the surrounding dwellings including that of Chelsea Cottage.
- 12.34 Although there would be intervening views of the two dwellings from the highway between the existing dwellings, these would be seen in context with the existing development surrounding the site. As such, the proposal is considered to be in keeping with the character of the area and would maintain the character of this part of the district. The pleached trees on the rear boundary of the properties would seek to minimise the impact of these dwellings further and provide landscaping to soften the development.
- 12.35 It is considered that the proposal would maintain the character of the countryside in this part of the district and would be acceptable in terms of design and impact on the character and appearance of the area. The proposal thereby complies policy DP26 of the MSDP, policy CDNP05 of the Neighbourhood Plan, the design principles of the Mid Sussex Design Guide and the requirements within the NPPF and partially complies with policy DP12 of the Mid Sussex District Plan.

Impact on setting of listed building

- 12.36 The application site is a garden area to the rear of Chelsea Cottage, a Grade II listed building dating from the early 19th century and located to the eastern side of Turners Hill Road. The garden, which is partly occupied by a large outbuilding, backs onto a former commercial site located in a backland position where 5 dwellings are nearing completion.
- 12.37 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act) states:
- 'In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.*
- 12.38 Policy DP34 of the MSDP relates to Listed Buildings and other heritage assets. It requires proposals to protect listed buildings and their settings. The policy sets out a list of ways on how this will be achieved.
- 12.39 Para's 212-215 of the NPPF are relevant which relate to considering potential impacts to heritage assets. These require great weight to be given to the asset's conservation (and the more important the asset, the greater the weight should be). It requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 12.40 The Council's Conservation Officer has considered the proposal and has provided detailed comments which are available on the file. In this she advises that *'the extension of the residential development to include the eastern half of the gardens to Chelsea Cottage would detract from the setting and special interest of the listed building. The proposal would result in an intensification of the suburbanisation of the setting of the Cottage, and would bring the new built form much closer to the heritage asset, reducing the buffer between the two, while also resulting in the loss of a significant percentage of the Cottage's surviving garden setting. In terms of views of the listed building from Turners Hill Road, the proposal will also introduce substantial and visually prominent built form in close proximity to the rear of the Cottage, and without intervening tree and shrub planting.*

This will have a significant adverse impact on the context within which the listed building is appreciated in the principle public views of the building, which are from the adjacent road, which would become suburban in nature.' Overall, she considers that the proposal through impact on setting, would result in harm to the special interest of Chelsea Cottage, and that this harm would be less than substantial at around the mid-range of that scale.

- 12.41 Following these concerns amendments were made to the elevations and proposed materials for the dwellings as well as a line of pleached trees along the boundary of the site with Chelsea Cottage. The Councils Conservation Officer considered that with these amendments, given the scale and proximity of the development, and the potential ephemerality of planted screening, the weight that can be attached to these alterations in terms of the harm arising to the listed building will be limited. However, she considered that the proposal as amended will result in a low-mid level of less than substantial harm, through impact on setting, to the special interest of Chelsea Cottage.
- 12.42 Whilst it is acknowledged that there would be a loss in the existing larger rear garden area of Chelsea Cottage, it is your Planning Officers view that the separation distance and the proposed boundary treatment of the brick wall with pleached trees would seek to soften the development. In addition, whilst of a reduced scale, the existing cottage would retain a garden with a depth of some 15 - 20 metres to the rear. The proposed traditional materials of brick, tile hanging, timber cladding, clay roof tiles and timber windows and doors are considered to be appropriate to the character of the listed building. Whilst there would be glimpses of these additional dwellings when viewed from Turners Hill Road, the dwellings would be in rearward position set back from the highway and Chelsea Cottage seen in context to the housing rearward of the site. The Inspector in the determination of the 2023 appeals for the development of the wider site (under references AP/23/0015 & AP/23/0016) considered that *'the extent of a heritage asset's setting is not fixed and may change as the asset and its surroundings evolve. Indeed, in this case there are a number of more contemporary style dwellings nearby on this side of Turners Hill. However, as the appeal site is to the rear of Chelsea Cottage and the dwelling is a road facing property, relatively unfettered views of the listed building can still be appreciated, particularly to the front elevation, which forms an important part of the dwellings' architectural merit and setting. As such the development would not adversely affect the setting of the listed building and so would preserve its significance.'* In light of the above, it is your Planning Officers view that whilst there would be glimpsed views of the dwellings from Turners Hill Road, that the proposal would preserve the setting and character of the existing dwelling of Chelsea Cottage.
- 12.43 The proposal is thereby considered to comply with policy DP34 of the MSDP and the relevant provisions of the NPPF.

Highways

- 12.44 Policy DP21 of the MSDP seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.
- 12.45 Paragraph 115 of the NPPF is relevant in respect of transport matters and states that appropriate opportunities to promote sustainable transport modes should be considered; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 12.46 In addition, para 116 states *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation would be severe, taking into account all reasonable future scenarios.'*

- 12.47 Policy CDNP10 of the Neighbourhood Plan relates to promoting sustainable transport and requires amongst other criteria, safely located vehicular and pedestrian access, and secure cycle storage.
- 12.48 The proposal would utilise the existing access onto the Turners Hill Road which is subject to a 40-mph speed limit as well as the internal access to serve the residential dwellings nearing completion. Each dwelling is to benefit from two off-road parking spaces with plot 6's to the front of the dwelling and plot 7's to the side set adjacent to the access road.
- 12.49 The West Sussex County Council Guidance on Parking at New Developments (September 2020) identifies the site as within parking behaviour zone 2. This requires 3-bed dwellings to provide 2.1 parking spaces per dwelling. Whilst the Highway Authority note that a total of 5 parking spaces should be provided, they consider that the shortfall of 1 space would not result in a severe highway safety concern. It is noted that there are two visitor parking spaces within the access road to serve the development to prevent parking on the main road.
- 12.50 The Highways Authority has considered the proposal and raise no objection subject to conditions. They consider that the additional 2 dwellings would not be anticipated to generate a severe material increase in vehicular movements over the approved dwellings on the site and the access allows for two-way vehicular movements. They conclude 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'*.
- 12.51 Consequently, the proposal is considered acceptable on highway safety and transport grounds and complies with policy CDNP10 of the Neighbourhood Plan, policy DP21 of the MSDP, and para 115 of the NPPF.

Impact on Residential Amenity

- 12.52 Policy CDNP05 states that proposals should 'safeguard' adjoining residents whereas policy DP26 of the MSDP states that development should not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.
- 12.53 The dwellings are set to the rear of the neighbouring dwelling Chelsea Cottage, within its rear garden and form an extension to the cul-de-sac which is nearing completion on a former commercial site set to the rear of Turners Hill Road. The proposed dwellings would have a back-to-back relationship with Chelsea Cottage with some 24 metres set between the rear elevations of each dwelling. Between the dwellings would be rear gardens with a 2-metre-high brick wall and pleached trees on the boundaries with the existing neighbour. It is considered that such a back-to-back distance is acceptable in terms of privacy. Whilst there would be views from the proposed rear first floor windows, due to the distance with this property it is considered that the proposal would not result in an unacceptable harm to surrounding occupants.
- 12.54 It is considered that due to the positioning of the proposed dwellings that there will be no significant impact to the amenities of other surrounding occupiers.

- 12.55 In light of the above, it is considered that the proposal would not cause significant harm to amenity existing and future occupants. The proposal thereby complies with policy DP26 of the MSDP.

Housing Standards

- 12.56 The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1st October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.
- 12.57 The proposal is to provide a 2no 3 bed, 5-person dwellings, which from Officer calculations indicate would exceed the floor space standards.
- 12.58 The proposal therefore complies with policy DP27 of the MSDP and the National Dwelling Space Standards.

Flood Risk and Drainage

- 12.59 Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.
- 12.60 Policy CDNP06 relates to sustainable drainage systems and requires proposals to demonstrate that they include sustainable drainage systems to manage the risk of surface water flooding within their boundaries and not increase flood risk elsewhere in the parish.
- 12.61 A Drainage Strategy Technical Note has been submitted with the application. This sets out that a drainage strategy was previously provided in respect of the approved 5 dwellings on the wider site in the applicant's ownership and that foul and surface water drainage has been considered in respect of the further 2 additional dwellings. It sets out that an appropriate method of drainage can be provided to support this increased level of development at the site.
- 12.62 Further information was provided during the course of the application including an updated estate plan to identify ownership arrangements showing that the attenuation/storage tank will be located within land to be owned and maintained by the Management Company, which also serves the wider development. Responsibility for maintenance and ongoing management will rest with the Management Company in accordance with the approved drainage strategy for the 5 dwellings previously approved.
- 12.63 The Council's Drainage Engineer has considered the information provided including the details on the ownership and maintenance of the attenuation/storage tank. They raise no objection to the proposal.
- 12.64 The proposal is thereby considered to comply with policy DP41 of the MSDP and CDNP06 of the Neighbourhood Plan.

Trees

- 12.65 Policy DP37 of the MSDP relates to trees, woodland and hedgerows and supports the protection and enhancement of trees, woodland, and hedgerows, and encourages new planting.
- 12.66 An Arboricultural Implications Assessment, Tree Constraints Plan and Tree Protection Plan accompanies the application. This sets out that 2 trees, comprising of an Ash and a Lawson Cypress are to be felled as part of the proposal. These are category C trees and

are required to be removed due to the proximity to proposed dwellings as well as the poor condition of the Lawson Cypress. The report sets out that all other trees are to be retained and the footprints of the dwellings would not encroach into the root protection areas of the retained trees.

- 12.67 The Council's Tree Officer has considered the proposal. They raise no objection subject to adherence to the submitted Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan. This could be dealt with as a condition to an approval.
- 12.68 The proposal would thereby be acceptable in terms of policy DP37 of the MSDP.

Ecology and Biodiversity Net Gain

- 12.69 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).
- 12.70 Policy DP38 of the MSDP relates to Biodiversity and seeks proposals to protect and enhance biodiversity.
- 12.71 Para's 185 - 188 of the NPPF relate to habitats and biodiversity. Para 186 states *'development resulting in 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'*. In addition, it considers that *'development whose primary objective is to conserve or enhance biodiversity should be supported'*.
- 12.72 The application is accompanied by a Preliminary Ecological Appraisal (PEA) and Bat Survey and Assessment. The PEA identifies that the site is modified grassland used as garden and the existing building within the site that is to be demolished is a confirmed bat roost and has some suitable roosting features. The PEA sets out that the site does not have a suitable habitat to support badgers, hazel dormice, otters or water voles and due to the sub-optimal and restricted area it is considered highly unlikely that great crested newts would be present or impacted by the works.
- 12.73 The submitted Bat Survey and Assessment Roost Assessment recommends that compensatory bat roost features are incorporated into the final building design to account for the potential loss of roosting resource, in the form of bat access tiles or integrated bat wall boxes. In addition, it is recommended that any garden soft landscaping incorporates native wildlife planting and/or bug hotels to encourage insect prey.
- 12.74 The Council's Ecology Consultant has considered the proposal and raises no objection subject to conditions. They are satisfied that there is sufficient ecological information to support determination of the application. They note that a licence for bats will be required before commencement of any works and recommend that a copy of this is secured by a condition of any consent. They also consider the mitigation measures identified in the Bat Survey and Assessment should be secured by condition. As well as a wildlife friendly lighting strategy to avoid lighting impacts to foraging or commuting bats.
- 12.75 Officers support the above comments from the Council's Ecology Consultant.
- 12.76 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.

- 12.77 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).'

- 12.78 The submitted BNG Design Report confirms that the proposal would result in a 14.44% net gain for habitat value on the site. As such the proposal would exceed the statutory 10% BNG requirements.
- 12.79 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.
- 12.80 The proposal subject to conditions thereby complies with policy DP38 of the MSDP and the requirements of the NPPF.

Sustainability

- 12.81 Policy DP21 of the MSDP relates to transport. In part it requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*
- 12.82 Policy DP39 of the MSDP relates to sustainable design and construction. It requires all developments to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate a number of measures including minimise energy use and use renewable sources of energy.
- 12.83 Paragraph 161 of the NPPF states:
- 'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*
- 12.84 Paragraph 166 states:
- 'In determining planning applications, local planning authorities should expect new development to:*
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*

b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

- 12.85 The submitted Design, Access, Heritage and Planning Statement sets out that the proposal incorporates a range of sustainable design and construction measures. This includes a fabric-first approach, delivering high thermal performance, low energy lighting and water-efficient fixtures. In addition, permeable surfacing and soft landscaping is incorporated to assist natural infiltration and surface water management. The proposal also provides cycle storage for each dwelling.
- 12.86 It is acknowledged that the site is located within the countryside. However, in this instance the site is not within an isolated location considering the surrounding dwellings, and the cul-de-sac nearing completion. Whilst it is some walking distance to the centre of Crawley Down, there is a footway (albeit not lit) which runs adjacent to the main road. In addition, there is a bus stop outside of and opposite the site which offers an alternative to the private vehicle to allow access to the wider area and facilities.
- 12.87 In light of the above, it is considered that the proposal complies with policies DP21 and DP39 of the MSDP and the requirements of the NPPF.

Ashdown Forest

- 12.88 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).
- 12.89 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.
- 12.90 A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

- 12.91 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.
- 12.92 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.
- 12.93 The proposed development is outside the 7km zone of influence and as such, {\b mitigation is not required}.

Atmospheric pollution

- 12.94 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.

- 12.95 The proposed development was modelled in the Mid Sussex Transport Study as a **windfall development** such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. 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

- 12.96 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 12.97 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.98 A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

13.0 Planning Balance and Conclusion

- 13.1 Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document, and the Crawley Down Neighbourhood Plan.
- 13.2 For the reasons set out within the assessment section, it is considered that the application complies with MSDP policies DP21, DP26, DP27, DP34, DP37, DP38, DP39 and DP41 and Neighbourhood Plan policies CDNP05, CDNP06, CDNP08, CDNP09 and CDNP10.
- 13.3 Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP6, and DP15 of the MSDP. There is partial conflict with policy DP12, but the proposal does maintain the quality of the landscape character.
- 13.4 As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.'
- 13.5 As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.
- 13.6 In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making

effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

- 13.7 When undertaking the balancing exercise, the following benefits, harm and neutral impacts are as follows:
- 13.8 In terms of the scheme's benefits, socially, the provision of two new dwellings will bring about positive impacts to the local community. 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 proposal would be due to its design, materials and scale relate to the development currently under construction rearward in the site. The site due to its proximity to bus stops is also considered to be fairly sustainable. This is all positive in the planning balance.
- 13.9 Whilst the proposal conflicts with some policies in the development plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that, while this is only two new dwellings, it would still contribute to the Council's much needed housing supply and make effective use of the land.
- 13.10 The neutral impacts relate to highways, ecology, neighbouring amenities, impact on Ashdown Forest and drainage. In addition, the proposal would preserve the setting of the Grade II listed dwelling of Chelsea Cottage.
- 13.11 In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.
- 13.12 In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome the proposal's conflict with the development plan.
- 13.13 There are no other material considerations that would alter the above planning balance.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

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

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

2. **Approved Plans**

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

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

3. Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the Local Planning Authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) evidence of site registration supplied by an individual registered to use a Bat Mitigation Class Licence; or

c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected 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 s17 Crime & Disorder Act 1998 and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

4. No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details of all temporary contractor buildings, plant and stacks of materials, provision for the temporary parking of contractor vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031.

5. No demolition works shall commence until a Dust Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- Measures to suppress dust emissions (e.g., water spraying, sheeting, wheel washing);
- Details of monitoring and complaint response procedures;

The approved measures shall be implemented throughout the demolition phase.

Reason: To protect the amenities of surrounding residential properties and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

6. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, shall each be submitted to and approved, in writing, by the Local Planning Authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- 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. 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, windows and doors 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 DP26 of the Mid Sussex District Plan 2014 - 2031.

8. No development above ground slab level shall commence, unless and until detailed drawings, at an appropriate large scale, including sections, and annotated to show materials and finishes, of the following:

- windows, including depth of reveal
- external doors
- eaves detailing

has been submitted to and approved by the Local Planning Authority. The works shall then 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 Policies DP26 and DP34 of the Mid Sussex District Plan 2014 - 2031.

9. No development above ground slab level shall commence, unless and until a detailed hard and soft landscaping plan, to include elevations of new or altered boundary treatments and details of the materials to these and to the hard landscaping has been submitted to and approved by the Local Planning Authority. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP26 and DP34 of the Mid Sussex District Plan 2014 - 2031.

10. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority.

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

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);

- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

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

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended) and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

11. No work for the implementation of the development hereby permitted shall be undertaken on the site on Bank or Public Holidays or at any time other than between the hours 8 am and 6 pm on Mondays to Fridays and between 9 am and 1 pm Saturdays.

Reason: To protect the amenities of surrounding residential properties and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

12. The works shall be carried out in accordance with the Arboricultural Implications Assessment (dated December 2025) and Tree Protection Plan (TPP 01).

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

13. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Bat Survey and Assessment Version V1 (Co-ecology, November 2025) and Preliminary Ecological Appraisal Version V1 (Co-ecology, November 2025), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

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) and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

14. The development shall be carried out in accordance with the drainage details set out in Drainage Strategy Technical Note (V1.1 dated 17th July 2025), the email of the 6th March regarding drainage - ownership and management of storage tank and drwg PL08 received 6th March 2026.

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

15. 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 Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the Local Planning Authority. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of

any remediation undertaken will be produced to the satisfaction of and approved in writing by the Local Planning Authority.

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.

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

Reason: To provide adequate on-site car parking and turning space for the development and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031.

17. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the LPA.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014-2031.

18. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation).

Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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

19. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate 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) and to accord with Policy DP38 of the Mid Sussex District Plan 2014-2031.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended in the future, no enlargement, improvement or other alteration of the dwelling house, whether or not consisting of an addition or alteration to its roof, nor any other alteration to its roof, shall be carried out, (nor shall any building or enclosure, swimming or other pool be provided within the curtilage of the dwelling house) without the specific grant of planning permission from the Local Planning Authority.

Reason: To preserve the appearance and character of the locality and to accord with Policies DP26 and DP34 of the Mid Sussex 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 proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
2. No burning of demolition/construction waste materials shall take place on site.
3. Southern Water have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" (https://www.southernwater.co.uk/media/pddob0vn/ds-tree-planting-guide-1_nwm.pdf) and the Sewerage Sector Guidance (<https://www.water.org.uk/sewerage-sector-guidance-approved-documents/>) with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.
4. In order to protect and safeguard the existing water supply apparatus, Southern Water requests formal notification of any proposed demolition works prior to such works being undertaken.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

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

6. 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
Tree Survey	TPP 01		18.12.2025
Tree Survey	TCP 01		18.12.2025
Location Plan	PL-01	A	20.11.2025
Block Plan	PL-02	D	06.03.2026
Proposed Site Plan	PL-03	D	06.03.2026
Proposed Floor and Elevations Plan	PL-04	C	06.03.2026
Street Scene	PL-05	B	20.11.2025
Other	PL-06	B	13.03.2026
Other	PL-08		06.03.2026
Existing Floor and Elevations Plan	PL-07		16.12.2025