

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1446	Case Officer:	Anna Tidey
Application Type:	Full Application		
Proposal:	Demolition of existing dwelling and erection of replacement dwelling with associated landscaping.		
Site:	Lydhurst Estate, The Street, Warninglid, Haywards Heath, West Sussex, RH17 5SJ, ,		
Validation Date	4 Jun 2025	Overall Expiry Date:	11 Jul 2025
Pre-Commencement Conditions Required:	Yes	Pre-Com Conditions Date Agreed:	2 Oct 2025
Recommendation:	Permission	Recommendation Date:	2 Oct 2025
Target Date:	30 Jul 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	2
--	--	-------------------------------	---

Signed and Agreed By:	Stephen Ashdown	Date:	2 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1446

**Lydhurst Estate, The Street, Warninglid, Haywards Heath, West Sussex, RH17 5SJ,
Demolition of existing dwelling and erection of replacement dwelling with associated landscaping.**

Mr Grant And Mrs Delphine Horsfield

SUMMARY OF REPRESENTATIONS

Two representations received, which contain the following points:

- Would like to be reassured that reasonable working hours are stipulated for the demolition/construction schedule.
- Request that construction vehicles will not drive through the village from the A23.
- It is noted that a package wastewater treatment plant is proposed.
- the village sewage system is at capacity.
- An interesting building with good sustainability credentials with a comprehensive plan to support and enhance the wider grounds - exactly what the site needs.
- One strongly supports the proposal.

SUMMARY OF CONSULTEES

Conservation Officer: Lydhurst is an unlisted country house set in extensive gardens and parkland, in a rural setting to the west of Warninglid village.

The existing house at Lydhurst dates from the 1930s, replacing a Victorian mansion dating from the 1850s, which in turn replaced an earlier house dating from c.1800, with an associated farmstead. There are surviving estate buildings to the north west of the house: cottages, stables and a greenhouse and the original walled kitchen gardens. The buildings date from the C19th or early C20th. The 'Games Room Building' (part of the Victorian mansion) was retained when the house was redeveloped. The house and estate buildings are set in extensive grounds, with formal gardens to the south, west and north west and beyond this the farmland and woodlands of the wider estate.

Based on the submitted information it is unlikely that the existing house possesses sufficient architectural or historical interest to be regarded as a non-designated heritage asset. The older buildings (including the walled garden, greenhouses, and the surviving Victorian Games Room building) within the wider estate are of sufficient interest within the local context to be regarded in this manner- both in their own right, and as part of a surviving grouping to illustrate the function of a Victorian Sussex country estate.

NDHAs can also include historic gardens and parklands which are of interest in the local context, and the surviving formal gardens and wider parkland at Lydhurst merit this status. The submitted Heritage Statement contains a detailed analysis of the development of the gardens over time. Successive owners have added to the planting and the estate. The gardens and parkland as a whole remain of sufficient interest to be an NDHA.

The current proposal is for the demolition and replacement of the existing 1930s house with a new dwelling in a contemporary style, over an enlarged footprint, together with further work within the wider parkland comprising a change to the existing vehicle access from the east, as it approaches the house.

The proposed demolition and replacement is not considered contentious in principle in heritage terms. The proposed replacement dwelling sits over the footprint of the existing, but with an extension to the east. It has the same orientation and aspect as the existing.

Although the proposed replacement house sits on a larger footprint than the existing, it is lower. The footprint of the house will extend closer to the boundary with the Conservation Area, but would remain at a significant distance from it, such that the increased bulk in this respect is unlikely to be appreciable from within the Area. The impact on the setting of the Conservation Area is therefore considered to be limited and acceptable.

With respect to the impact on the gardens and parkland as an NDHA, the extension to the east is into the parkland to this side of the building, rather than into the formal gardens. There would be the loss of a small amount of grassland, but this is not considered to materially affect the character of the parkland.

The existing house is not contemporary with the creation of the most significant aspects of the formal gardens. The most important aspect of the existing house and its context are the views from its southern frontage across the formal lawns and ha ha south. These views would continue to be celebrated by the proposed replacement dwelling.

The scale, form and detailed design of the proposed replacement house cause no direct impact on the gardens themselves - the house's footprint extends no further into the formal gardens than the existing, and the replacement building is lower in height. The proposed replacement dwelling is not considered to adversely affect the significance of the formal gardens and parkland as an NDHA.

The existing house post dates the garden and estate buildings to the north-west of the house, although these do have a historical functional relationship with the house. The current house has no relationship of age or architectural style to them. The proposed replacement dwelling would also be very different in its architectural character, but in the context of the existing situation this is not considered in itself harmful. The position, massing and height of the proposed new building are not considered to adversely affect the settings of these structures, and the proposal is considered acceptable in terms of its impact on these NDHAs.

The proposed work to the driveway involves creation of a route running off the existing drive near its western end, towards the entrance frontage of the house. The existing driveway, including the flanking avenue of trees, the gateway and bridge from The Street were introduced in the 1970s- historically, the main approach to the house was from the north. The current proposal will have a relatively minor impact on the parkland to the east of the house, and is not considered to affect the formal gardens or the garden and estate buildings to the north-west. This aspect of the proposal is therefore not considered to adversely affect the significances of the NDHAs.

The proposal is therefore considered to meet the requirements of District Plan Policies DP34 (Listed Buildings and Other Heritage Assets) and DP35 (Conservation Areas), as well as the relevant paragraphs of the NPPF.

I would recommend conditions relating to roofing and facing materials, window, door and eaves details, and hard and soft landscaping (I note we have some details of the latter, but I can't see specifics of landscaping materials- hopefully these will be respectful of the vernacular). Rainwater and other external pipework to be of metal.

MSDC Tree Officer: I note that 11 trees will be lost to facilitate the development, including 1 Pedunculate oak and that the native trees to be replanted are in the minority. I would like to view the setting, to assist me with the comments and to understand the species selection for replanting.

Further comments: Following the site visit I now understand the reasoning behind the removal of these trees and can see that the species selection will compliment others in the estate. However, we would still favour a majority of replanted trees to be native. The most important trees have been considered, and plans have incorporated these trees and construction near these has been avoided. No objection.

Ecological Consultant: No ecological objection subject to recommended conditions to require the works to accord with the submitted Preliminary Ecological Appraisal, to include the appointment of an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction, bat licence requirements and the submission of a Biodiversity Enhancement Strategy for protected, Priority and threatened species prior to commencement of works above slab level.

Landscape consultant: The submitted information includes a brief Landscape and Visual Appraisal (LVA). We are satisfied there will be minimal negative impacts arising from the proposals. We also judge the proposals can be accommodated within the High Weald National Landscape.

We welcome the details of landscaping provided. We are satisfied that landscape and visual impact will not be significant. Request the submission of hard and soft landscaping for approval by condition.

Naturespace Newt Officer: Recommend an informative should be attached to the planning consent.

PARISH COUNCIL OBSERVATIONS

No objection. The Parish Council would like to recognise the comprehensive and detailed application and submission. The PC would also like to put on record the extensive local engagement and consultation the applicant has undertaken prior to submission. This consultation has been more extensive and inclusive than any previous owner and was broadly welcomed by the whole community. The investment planned for Lydhurst will enrich the village and local community and the PC are happy to support this application.

INTRODUCTION

This application seeks planning permission for the demolition of the existing 9 bed dwelling and erection of a replacement 7 bedroom dwelling on a site with an area of 1.8 hectares. The new house will include:

- Family living space with guest accommodation
- Family bedrooms and a master suite
- Undercroft parking in a lower level garage
- Integral one bed staff unit
- Indoor pool with retractable roof
- Gym and entertainment space
- Passivhaus design principles have been applied to create a Net Positive Energy Building (NPEB).
- All-electric low-carbon heating system, utilising a Mechanical Ventilation Heat Recovery (MVHR) heating system and space heating and hot water produced by a Ground Source Heat Pump (GSHP)
- Solar photovoltaic (PV) panels installed on the flat roof

RELEVANT PLANNING HISTORY

DM/25/2173. Agricultural Prior Notification - Proposed agricultural storage barn. Prior Approval Is Not Required September 2025.

DM/23/0614. Variation of condition 21 relating to planning application DM/21/3959 - To allow the main house Lydhurst to continue to be occupied as a primary residential property until the occupation of the proposed leisure uses on the estate. Approved June 2023.

DM/21/3959. Change of use and conversion of estate buildings from Residential to Assembly and Leisure and Restaurants and Cafes. The new uses that are being proposed are: Entrance, Reception, Restaurant, Club room, Cookery school, Wellness centre, Treatment rooms, Yoga studio, Gym, Craft centre, Offices, Staff facilities, Visitor holiday let accommodation, Maintenance yard, External swimming pools, Children's play area and Kids club. ADDITIONAL INFORMATION received 7th March 2022 concerning an updated transport assessment, arboricultural impact assessment, further details on the 'dutch barn' holiday let accommodation, swimming pools and indicative details on the children's play area. Approved May 2022.

SITE AND ITS SURROUNDINGS

The site is on land belonging to the property known as Lydhurst Estate, Warninglid Lane, Warninglid. The Lydhurst Estate extends to some 90 hectares comprising:

Woodlands - 41 hectares.

Farmland - 32 hectares.

Gardens, grounds and parkland - 10 hectares.

The estate includes a main house, with a number of other smaller residential cottages, estate and farm buildings, a formal walled garden and related buildings, estate roads and infrastructure.

The main house is accessed from the village centre of Warninglid through a pair of decorative gates, flanked by two gatehouses. A straight, formal tree lined driveway provides access to the house and estate buildings. The house is set away from the village core, being located some 300m from the western side of The Street. The estate buildings also are served by a secondary access off Warninglid Lane to the north of the estate farmstead.

The main house is sited within extensive gardens and grounds. The buildings on the site are screened in wider views by tree and vegetation within and on the boundaries of the estate.

The site is located within the countryside and the High Weald Area Outstanding Natural Beauty/ High Weald National Landscape as defined in the Mid Sussex District Plan and the Slaugham Neighbourhood Plan. The site also lies within the Red Impact Risk Zone for Great Crested Newts.

APPLICATION DETAILS

This application seeks planning permission to demolish the existing large detached main house, and to build a new contemporary designed dwelling. The application form confirms that the proposed unit is a self-build/custom build proposal.

The existing house dates from the 1930's and has been vacant for a number of years. The interior and exterior of the building has deteriorated over this time. The existing living accommodation is situated over three floors: on the ground, first floor and within the roof space and there is also a large underground basement.

The proposed new dwelling is located partly over, and to the east of the existing building footprint, with the living accommodation located on two floors.

The relative heights of the existing and the proposed dwelling have been annotated on to the submitted sections. The existing house has a hipped roof finished in tiles, with a total of 12 dormers, sited on each elevation. The maximum ridge height of the existing house above ground level is 11.95m, as viewed from the southern side, and 11.77m above the ground level on the northern side.

The proposed new dwelling has a series of flat roofs set at various heights, with the maximum ridge height above ground level on the south side of 7.4m. The proposed house is some 4.5m (approx.) lower in height than the existing house, with a new, contemporary design. The submitted plans show the ground level reduced by a maximum of approx. 0.6 m to allow for the construction of the new dwelling.

The application has been accompanied by a Landscape Layout Plan which shows the new access arrangement to the new dwelling, with associated new planting on the northern side of the house as it remains to be served off the main driveway from The Street to the house. To the southern side of the new house the plan shows the provision of formal lawns and new areas of tree planting. The existing parkland gardens on the east and western sides of the house are to be retained with semi ornamental planting. The existing detached games room building, which predates the existing house, is to be retained as a separate building, at the north western corner of the new house. Three parking spaces are proposed to be retained to the front of the new house and in an area already in use for external parking adjacent to the Games Room.

The proposed house will be constructed with part full height double glazed units, with aluminium and timber frames, wall sections of local stone masonry with neutral lime mortar and flat roofs finished with EPDM membrane edged with standing seam zinc roofing. The submitted roof plans show the roofs to be finished in zinc with extensive green roofs and PV panels on the eastern and southern roof areas. The Applicant's Agent has confirmed that exact material details and their sources have yet to be agreed.

The living space in the proposed new house is laid out with a series of interconnected blocks with intervening green corridors, created by a sunken garden feature and green roofs set at various heights. The living accommodation is located in wings with connecting living spaces. The proposed two storey dwelling has a maximum width of 30m and measures a maximum depth of measures 19m (approx.) at the widest parts

The main entrance doorway into the house is sited on the eastern side of the western wing of the new house and leads into an entrance foyer, with a cloakroom and WC. This leads to stairs serving the indoor pool, guest bedroom and then into the main upper floor living space. The lower floor living room can be accessed by stairs and a study, the principle bedroom, a further guest bedroom and three further bedrooms are located on the same level.

The lower ground floor contains the pool, sitting and living room areas, a kitchen with linked cold store and pantry, and a linked dining room, a lobby area with additional WC, boot room, laundry room and attached staff accommodation, which includes a separate lounge, bedroom and ensuite.

The submitted Planning Statement contains a comparison table for the dwelling footprints and the internal floor space areas of the former Gothic house on the site, which predates the current house, and for the existing house and the proposed replacement house.

The proposed new house will have a dwelling footprint of 953 square metres. This would represent an enlargement of 369 sq m over the existing house. The proposed house is also 189 sq m larger in floorspace terms to the existing house.

The Design and Access Statement contains more calculations, (set out in a detailed table at Appendix A), including the scale of the preapplication submission, which has been reduced on formal submission. The table explains that the proposed percentage increase of the proposed house in developed volume is 19.8%, which includes the swimming pool. Without the pool the figure is -5.4%.

The application has been accompanied by a detailed Design and Access Statement, a Planning Statement, a Bat Emergence Activity Report, Energy and Sustainability Statement, Lighting Strategy Report, Flood Risk Assessment, Landscape Design Strategy, an Ecological Impact Assessment and BNG Assessment and Metric. These documents are available to view on the planning file.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

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

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

Mid Sussex District Plan

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

Relevant policies:

DP4 Housing
DP6 Settlement hierarchy
DP12 Protection and Enhancement of Countryside
DP15 New Homes in the Countryside
DP16 High Weald Area of Outstanding Natural Beauty
DP21 Transport
DP26 Character and design
DP27 Dwelling Space Standards
DP34 Listed Buildings and other Heritage Assets
DP35 Conservation Areas
DP37 Trees, Woodland and Hedgerows
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

Site Allocations DPD

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

There are no relevant policies.

Neighbourhood Plan

The Slaugham Neighbourhood Plan was made on 25th September 2019.

Policy 1 Protecting the AONB

Policy 2 Sustainable Development Measures

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1

hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPC1 Protection and Enhancement of Countryside
DPC4 High Weald Area of Outstanding Natural Beauty
DPB1 Character and Design
DPB2 Listed Buildings and other Heritage Assets
DPB3 Conservation Areas
DPT4 Parking and Electric Vehicle Charging Infrastructure
DPH6 Self and Custom Build Housing
DPH11 Dwelling Space Standards
DPS2 Sustainable Design and Construction
DPN1 Biodiversity, Geodiversity and Nature Recovery
DPS6 Health and Wellbeing
DPB1 Character and Design

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024

High Weald National Landscape - Technical Advice Note: Dark Skies Planning Advice Note - July 2024

National Planning Policy Framework (NPPF) (December 2024)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three 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.

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.'*

Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

Paragraph 12 of the NPPF states;

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

Paragraph 39 of the NPPF states;

'Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.'

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

National Planning Policy Guidance ((NPPG) (December 2023)

National Design Guide

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.

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

ASSESSMENT

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
- Impact upon the AONB
- Impact upon Heritage Assets
- Dwelling Space Standards
- Impact on residential amenities
- Impact upon trees
- Highway, Access and parking
- Flood Risk and Drainage
- Sustainability
- HRA Assessment
- Ecology
- Biodiversity Net Gain

Principle of development

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.

In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Warninglid as defined by the District Plan. As such the site is located within the defined Countryside.

Policy DP12 of the District Plan 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.

Policy DP6 of the District Plan 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.'*

The proposed residential development does not meet any of these criteria.

Policy DP15 of the District Plan relates to new homes in the countryside and allows for replacement dwellings in the countryside. In this regard Policy DP15 states:

'Replacement dwellings in the countryside

Replacement dwellings in the countryside will be permitted where:

- The residential use has not been abandoned;*
- Highway, access and parking requirements can be met; and*
- The replacement dwelling maintains or where possible enhances the quality of the natural and/or built landscape particularly in the High Weald Area of Outstanding Natural Beauty, especially if a significant change in scale from the existing dwelling is proposed.'*

Also relevant in the consideration of this application is the guidance with regards to Rural Housing contained within the NPPF. This states at paragraph 84:

'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- (d) the development would involve the subdivision of an existing residential building; or*
- (e) the design is of exceptional quality, in that it:*
 - o is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - o would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area'.*

The Lydhurst estate is located to the west of the village of Warninglid is an established rural estate with a large land holding. The house is located within a rural setting beyond the village boundary and is physically distant from the nearest settlements at Handcross, Bolney and Cuckfield. Residents will be reliant on a car to access local services.

The proposed dwelling has been designed specifically for the applicants and their family. The new dwelling has been designed to Passivhaus design principles to create a Net Positive Energy Building (NPEB). Designed in features including the use of south facing glazing for thermal heating, the use of a Recovery (MVHR) heating system and space heating and hot water produced by a Ground Source Heat Pump (GSHP), with the inclusion of green roofs and solar panels. The building is of a contemporary design using quality materials which will enhance its rural setting.

The proposal is acceptable in principle as it is for a one for one replacement dwelling that accords with District Plan Policy DP15.

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.

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).

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.'*

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.

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 delivery 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.

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.

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).

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 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.

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.

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.

Reference to the relevant policies contained in the Slaugham Neighbourhood Plan will be made later in this assessment.

The proposal is acceptable in principle as it is for a one for one replacement dwelling that accords with District Plan Policy DP15.

Design

Policy DP26 of the District Plan aims for all development to be well designed and to reflect the distinctive character of the towns and villages while being sensitive to the countryside. It states:

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

- * is of high quality design and layout and includes appropriate landscaping and greenspace;*
- * contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- * creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- * protects open spaces, trees and gardens that contribute to the character of the area;*
- * protects valued townscapes and the separate identity and character of towns and villages;*
- * does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- * creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- * incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- * positively addresses sustainability considerations in the layout and the building design;*
- * take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- * optimises the potential of the site to accommodate development.'*

Also relevant in the determination of the application is the design guidance contained in the Mid Sussex Design Guide, which seeks good design in all forms of new development.

The proposal has been designed with careful consideration to the rural setting of the existing dwelling and the future needs of the applicant's family. The existing house is in a poor state of repair and fails to provide the living accommodation required by a modern family, with maintenance and heating issues making the current property unsustainable and difficult to maintain.

The proposed dwelling represents a new and contemporary design approach for the site and has been the subject of preapplication discussions.

The new dwelling will sit partly over the footprint of the existing house, and is lower in height. The house has been carefully designed to result in a new sustainable dwelling. Whilst of a significantly different appearance to

the existing house, it is considered that the scale and appearance of the proposed contemporary dwelling is acceptable. It has been designed to reflect the contours and layout of the existing site. The proposed new landscaping will ensure that the new building blends into the established garden and parkland setting.

The design, external materials and scale of the proposed dwelling are considered appropriate. The siting of the new dwelling will maintain a significant distance from the closest of the nearby properties in Warninglid village to the east. There are no nearby public rights of way from which the new dwelling would be visible.

The proposed rearranged driveway access and frontage parking is also considered acceptable, subject to appropriately worded planning conditions to ensure the details of the new hard and soft landscaping are approved and will be implemented on completion of the building works and prior to the occupation of the new property.

It is considered that the proposal would also comply with the design aims of District Plan Policy DP26 of the Mid Sussex District Plan and the principles of the Mid Sussex Design Guide.

Impact upon the AONB

The proposed development is located within the High Weald AONB.

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.

Paragraph 189 of the NPPF also recognises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes/AONBs. NPPF paragraph 189 states:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks, and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

A similar ethos is found within The High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029 and the High Weald Housing Design Guide 2019.

The Management Plan includes specific objectives (DS1 and DS2) that seek to preserve the dark skies of the High Weald AONB, and to protect wildlife and habitats from light pollution across the High Weald.'

The application has been accompanied by a Lighting Strategy Report which has taken into account the ILP environmental zone classifications that the High Weald National Landscape partnership has adopted within their Planning Technical Advice Note: Dark Skies in the High Weald' document. Lydhurst is identified as being within the E1 classification - Natural.

It is recognised that when in use the current house would cause a significant degree of light spill from the various windows on the three upper floor levels. The proposed replacement dwelling includes some large areas of new glazing, which will create new light sources at night time. An assessment of the impact of the lighting effect of the current house relative to the proposed dwelling concludes that future modelling of the new dwelling will provide lux level calculations on the same horizontal calculation plane that are equal or better than the existing building.

It is relevant to consider the aims of Policy DP16 of the District Plan, which refers to development in the High Weald AONB. It states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

o the identified landscape features or components of natural beauty and to their setting;
o the traditional interaction of people with nature, and appropriate land management;
o character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and
o the conservation of wildlife and cultural heritage.

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported. Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the National Landscape/AONB, and in particular should not adversely affect the views into and out of the National Landscape/AONB by virtue of its location or design.'

Also relevant in the determination of this application is Policy 1 of the Slaugham Neighbourhood Plan. This states:

Policy 1: Protecting the Area of Outstanding Natural Beauty

The extent of the High Weald Area of Outstanding Natural Beauty is shown on the Proposals Map.

Development proposals within the High Weald AONB will only be supported where they conserve or enhance natural beauty and have regard to the High Weald AONB Management Plan in particular:

- 1. The identified landscape features or components of landscape beauty and to their setting;*
- 2. The traditional interaction of people with nature and appropriate landscape management;*
- 3. Character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and*
- 4. The conservation of wildlife and cultural heritage.*

Small scale proposals which support the local economy and social wellbeing of the AONB will be supported where they are compatible with the conservation and enhancement of the AONB.

Development proposals on land that contribute to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular does not adversely affect the views into, and out of, the AONB by virtue of its location and/or design.'

The existing main house at Lydhurst does not have particular design value in its rural setting. The proposed footprint of the new house will extend over and to the east of the existing house, but will remain well within the extensive curtilage. The proposed new residential property will be marginally closer to The Street, but the intervening parkland provides natural screening, which will serve to obscure the lower form of the new dwelling from public vantage points.

It is considered that the character and appearance of this part of the AONB, and the wider rural setting will not be harmed as views of the new property will be limited. It is considered that new contemporary design may be accommodated within the National Landscape/AONB and the proposed dwelling would not detract from the visual quality of the area.

Accordingly, it is considered that the proposal will preserve and enhance the character and appearance of the National Landscape/AONB, thus complying with the above policies and national guidance.

Impact upon Heritage Assets

Policy DP35 of the District Plan relates to Conservation Areas and requires development to conserve or enhance the special character and appearance of these areas.

The house at Lydhurst Estate is not located within the Warninglid Conservation Area, although the main gates and two associated Gatehouses to either side of the driveway approach and the pond at the entrance do fall within the Conservation Area, and therefore benefit from that designation. As such the public approach to the site has heritage asset status and, with this, added protection.

In her comments the Conservation Officer has referred to the fact that whilst the footprint of the new house will extend closer to the boundary of the Conservation Area. It will remain at a significant distance from it, such that the increased bulk in this respect is unlikely to be appreciable from within the Conservation Area. The views of the Conservation Officer are accepted and the impact of the new dwelling upon the setting of the Conservation Area is considered to be limited and acceptable.

The Conservation Officer has expressed her view that the walled garden, greenhouses, and the surviving Victorian Games Room building are of local interest as part of a surviving Victorian Sussex country estate, and could be regarded as a non-designated heritage asset. She also notes that NDHAs can also include historic gardens and parklands which are of interest in the local context, and considers that the surviving formal gardens and wider parkland at Lydhurst merit this status as an NDHA. Guidance on criteria to define the scope of the local heritage list is provided by Historic England in their Advice Note 7 - Local Heritage Listing: Identifying and Conserving Local Heritage. This states at para 37: *'Local heritage listing can include all types of heritage assets, whether buildings, monuments, sites, places, areas or landscapes.'*

NPPF Guidance on the determination of applications affecting NDHAs states at paragraph 216:

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

District Plan Policy DP34 is also relevant in the determination of this application. This policy refers to development affecting Listed buildings and their settings and requires development to protect listed buildings and other heritage assets. In respect of other heritage assets it states:

'Other Heritage Assets

Development that retains buildings which are not listed but are of architectural or historic merit, or which make a significant and positive contribution to the street scene will be permitted in preference to their demolition and redevelopment.

The Council will seek to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the character and quality of life of the District. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic.

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

It is considered that the proposed replacement house will not impact upon the character and appearance of the existing walled garden, the associated estate buildings or the wider parkland setting or impinge upon their value as a NDHA. The new dwelling will be sited adjacent to the retained Games Room building and will sit within a similar position, and over part of the footprint of the existing house. It is considered that the overall character and appearance of the associated gardens will be enhanced. As such the proposal will accord with the aims of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF.

Dwelling Space Standards

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. Policy DP27 - Dwelling Space Standards of the District Plan, which refers to open market dwellings, affordable housing, the full range of dwelling types as well as dwellings created through conversion, supports this.

The proposal is to form a 7 bed dwelling. The Standards refer to dwellings with up to a maximum of 6 bedrooms. For a two storey development the standards require a minimum gross internal floor area of some 123-132 sqm. The proposed new house will provide 1354 square metres of floor space, which is considerably larger than the minimum requirements for a 6 bed property.

The proposed bedrooms in the new house will accord with the single bedroom size of 6.5 sq m and double bedroom size of 10 sq m minimum, the smallest (the staff bedroom) measuring a minimum of 12.7 sq m.

As the new house will exceed the National Dwelling Space Standards the proposed development would provide a satisfactory standard of accommodation for future occupiers, providing means of escape, adequate heating and ventilation is provided with natural lighting available to the kitchen, bedrooms and living room spaces.

The proposal complies with the requirement of Policy DP27 of the District Plan for new dwellings, and will meet the national housing standards.

Impact on residential amenities

The nearest properties to the proposed replacement dwelling are Stable Cottage and Stable Flat, which are located 58m away to the north of the development site, within the grouping of the estate buildings. Other nearby estate cottages are sited to the rear of the walled garden. As such any visual impact to the occupiers of those properties from the completed development will be very limited.

The northern elevation of the proposed dwelling contains fewer windows and doors, as the main extent of the glazed areas face to the south and away from the neighbouring properties, thereby shielding night time lighting from the neighbouring houses.

It is considered that there will be no overlooking or overbearing impact as a result of the proposed siting of the new house. Accordingly, the scheme would comply with Policy DP26 of the Mid Sussex District Plan with regards to the amenities of adjoining properties.

Impact upon trees

District Plan Policy DP37 is relevant in determining applications where development works could impact upon established trees growing on or near the site, which states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

*Trees, woodland and hedgerows will be protected and enhanced by ensuring development:
o incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and*

- o prevents damage to root systems and takes account of expected future growth; and*
- o where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and*
- o has appropriate protection measures throughout the development process; and*
- o takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and*
- o does not sever ecological corridors created by these assets. Proposals for works to trees will be considered taking into account the condition and health of the trees; and*
- o the contribution of the trees to the character and visual amenity of the local area; and*
- o the amenity and nature conservation value of the trees; and*
- o the extent and impact of the works; and*
- o any replanting proposals.*

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary'.

The application has been supported by the submission of a Landscaping Layout Plan, a Landscaping Design Strategy and a Tree Planting Plan, which have been reviewed by the Council's Tree Officer at a site inspection. To ensure that the development accords with the requirements of District Plan Policy DP37 it is recommended that the works are undertaken in accordance with the submitted documents and in accordance with the recommendations set out in the British Standards Institute publication BS 5837:2012 Trees in relation to design, demolition and construction.

Highway, Access and Parking

The dwelling at Lydhurst benefits from two highway access points. The replacement dwelling will maintain this position and there will be no change for the occupiers in terms of access to services and facilities. The current occupiers will be reliant on the car, as will future occupiers of the replacement dwelling.

Policy DP21 of the District Plan relates to transport and requires proposals to be sustainably located and provide adequate parking. It states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- A high quality transport network that promotes a competitive and prosperous economy;*
- A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- Access to services, employment and housing; and*
- A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- Appropriate 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, have been fully explored and taken up;*
- The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*

- The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;
- Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;
- The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;
- The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;
- The scheme protects the safety of road users and pedestrians; and
- The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

Paragraph 115 of the NPPF is relevant in respect of transport matters. It states:

' In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- (a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- (b) safe and suitable access to the site can be achieved for all users;*
- (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 48 ; and*
- (d) 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 through a vision-led approach.'*

The proposal is to utilise the existing vehicular access points, with no alterations proposed on the public highway. Within the site it is proposed to adjust the existing frontage forecourt layout, which is off the existing private driveway, to serve the new dwelling.

The proposed Lower floor plan demonstrates that four car parking spaces will be provided in the new underground garage space and three external spaces will be provided at the front of the building to serve the proposed dwelling.

The WSCC Car Parking Standards require a dwelling of this size and location to provide 2.7 car parking spaces. There is sufficient space in the proposed building layout to meet the parking standards for the new 7 bed property.

There is sufficient storage space off the garage for cycle parking provision. Cycling is a viable option in the area for confident cyclists.

With regards to the implementation of the development, which first requires the demolition of the existing house, the Applicants Agent has confirmed that the intention is for all construction traffic to use the secondary / rear access onto Warninglid Lane, to avoid causing highway safety issues on The Street in the village centre. It is considered that this will ensure the development may be implemented without causing highway safety issues. Draft planning conditions to secure car and cycle parking for the new house have been agreed to accord with the aims of District Plan Policy DP21.

Flood Risk/Drainage

Policy DP41 of the District Plan relates to flood risk and drainage seeks to ensure development is safe across its lifetime and will not increase the risk of flooding elsewhere.

The proposed dwelling is located on land within Flood Zone 1, with no designated Surface Water Flooding Zones on the site. The application form identifies that Surface water will be controlled by soakaway and the proposal will be served by a sustainable drainage system. This is considered to be acceptable in principle as the proposal is for a single replacement dwelling.

A planning condition is recommended for prior approval of both the foul and surface water drainage design prior to the commencement of any development works above slab level. This condition has been agreed in draft by the Applicant's Agent. With such a pre commencement condition in place the proposal will accord with the aims of Policy DP41 of the District Plan.

Sustainability

Policy DP21 of the District Plan relates to transport and 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.*'

District Plan Policy DP39 is relevant in the determination of this application. This states:

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

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

Slaughtam Neighbourhood Plan also contains Policy 2 which states:

Policy 2: Sustainable Development Measures

'Development proposals which incorporate efficient and sustainable energy sources (including, but not limited to, photovoltaic panels, solar thermal insulation, biomass and heat pumps, and domestic water harvesting/ recycling systems) will be supported.'

Paragraph 164 of the NPPF states:

'New development should be planned for in ways that:

avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through incorporating green infrastructure and sustainable drainage systems; and

help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings in plans should reflect the Government's policy for national technical standards.'

It is relevant that this application is for a replacement dwelling on the site. The application was submitted with an accompanying Energy and Sustainability Statement to support that the new dwelling will be more energy efficient. This contains details of the sustainable measures that will be included in the new dwelling. In summary these include:

- designed with Passivhaus design principles
- orientation optimised to maximise solar gain in winter/limiting overheating in summer.
- larger glazed areas facing south with shading and blinds.
- high levels of insulation/airtightness.
- Natural daylight maximised through carefully positioned windows to reduce need for artificial lighting during daylight hours.
- Natural ventilation, cross-ventilation and night cooling to reduce reliance on mechanical cooling systems in the summer.
- Mechanical Ventilation Heat Recovery (MVHR) systems to recover heat from exhaust air to preheat fresh air supplied into the building.
- all-electric low-carbon heating system.
- Space heating and hot water from Ground Source Heat Pump (GSHP).
- Solar photovoltaic (PV) panels installed on the flat roof, designed to provide a peak output of 40.05 kWp.
- A battery storage system for on-site renewable generation.
- Electric Vehicle (EV) charger for zero-emission transport.
- Aim to limit material waste and promote reuse and recycling at construction phase.
- Use of sustainably sourced, low-embodied-carbon, and recyclable materials, such as timber from FSC-certified sources and recycled aggregates.
- External stone and timber construction materials will improve the sequestered carbon.
- Wood fibre insulation will be used where possible to limit petrochemical based insulation.
- Integrated storage for recycling and composting in line with local waste collection systems.
- The dwelling will be fitted with water-efficient fixtures, including dual-flush toilets, low-flow taps and showerheads.
- Water sub metering to reduce water usage.
- A leak detection system with automatic shut off feature will be installed to prevent wastage.
- A rainwater collection system will be installed for garden irrigation, to reduce potable water use.
- Sustainable drainage measures (SuDS), eg. permeable paving and soakaways to manage surface water and reduce flood risk.
- Green landscaping and tree planting to provide shading/mitigate overheating during summer months.
- Materials and detailing to ensure the dwelling can withstand increased weather extremes.
- The site layout ensures good air circulation, enhanced biodiversity, and access to outdoor amenity spaces, contributing to both environmental and occupant wellbeing.
- In a comparison between the proposed and existing dwelling an EPC for the existing house 2015, showed an energy rating of F with a maximum potential rating of D. The proposed dwelling will have an A rating.

There is sufficient evidence to support the proposed new build dwelling as a sustainable development on this site. Therefore the new property will accord with the requirements of District Plan Policy DP39 and the aims of Policy 2 of the Slaugham Neighbourhood Plan.

HRA Assessment

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

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

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

The proposed development 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

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

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

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

Ecology

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 Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), 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).

Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity.

The NPPF refers to Conserving and enhancing the natural environment in Chapter 15. Paragraph 193 of the NPPF refers to habitats and biodiversity. It states:

'When determining planning applications, local planning authorities should apply the following principles:

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 planning permission should be refused;

development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

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 reasons⁷⁰ and a suitable compensation strategy exists; and

development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

The application was accompanied by a Bat Emergence Activity Report and BNG supporting information, including a BNG Statutory Metric and Biodiversity Net gain Assessments. These documents have been reviewed by the Ecological adviser and they are satisfied that there is sufficient ecological information available for determination, subject to planning conditions to require mitigation, the appointment of an appropriately competent person e.g. an ecological clerk of works (ECOW) to provide on-site ecological expertise during construction, bat licencing requirements are followed, and the submission of a biodiversity Enhancement Strategy prior to any works above slab level on the new dwelling. Planning conditions are recommended to ensure these details are provided.

The site is within a Red Impact Risk Zone for Great Crested Newts, with a large pond sited near the house. The Newt Officer has recommended that an Informative is attached to the planning permission to draw attention to the likely presence of Great Crested Newts (GCN) at the application site and how to protect them from the development.

On this basis the application complies with Policy DP38 of the District Plan and the relevant NPPF guidance.

Biodiversity Net Gain

The application has been submitted as a proposal for Self-build and custom build. However the development site exceeds 0.5 hectares.

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

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

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

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

The Council's Ecologist has reviewed the submitted BNG Assessment, including the Baseline Habitat Map, and the Statutory Biodiversity Metric - Calculation Tool and is satisfied that the submitted information provides sufficient information at the application stage. They have recommended that a Biodiversity Gain Plan should be submitted prior to commencement of the development.

In line with the legislation on biodiversity net gain, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. This Plan is the mechanism to ensure that the biodiversity gain objective is met. The biodiversity gain condition is a pre commencement condition, and this has been agreed in principle by the Applicant's agent.

PLANNING BALANCE AND CONCLUSION

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

For the reasons set out above, it is considered that the proposal would comply with the aims of Policies DP12, DP15, DP16, DP21, DP26, DP27, DP34, DP35, DP37, DP38 and DP41 of the Mid Sussex District Plan, Policies 1 and 2 of the Slaugham Neighbourhood Plan, the principles of the MSDC Design Guide, the AONB Management Plan and the objectives of the National Planning Policy Framework.

As a result, it is considered that the application complies 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'.

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.

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.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, the proposal would not result in a net increase in dwellings on the site. The proposal would result in construction jobs over the life of the build. Because, however, of the small scale of the development proposed these benefits would be very limited.

The proposal would have a neutral effect in terms of design/character, impact on the countryside, highways and parking, neighbouring amenity, ecology, sustainable design, housing standards and flood risk and drainage.

In weighing up these issues, when taken together, it is considered that there are no adverse impacts of the development which would significantly or demonstrably outweigh the benefits of the proposal.

There are no other material considerations that would alter the above planning balance.

Decision: Permission

Case Officer: Anna Tidey