

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2733	Case Officer:	Andrew Watt
Application Type:	Full Application		
Proposal:	Conversion of vacant adjoined barn into nursery space at ground floor level, alterations to ground floor layout and an increase of child numbers to 70 children.		
Site:	Rose Cottage Day Nursery, The Old Sawmills, Copyhold Lane, Lindfield, Haywards Heath, West Sussex, RH16 1XT,		
Validation Date	17 Nov 2025	Overall Expiry Date:	22 Sep 2025
Pre-Commencement Conditions Required:	Yes	Pre-Com Conditions Date Agreed:	10 Dec 2025
Recommendation:	Permission	Recommendation Date:	10 Dec 2025
Target Date:	12 Jan 2026	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	12 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2733

Rose Cottage Day Nursery, The Old Sawmills, Copyhold Lane, Lindfield, Haywards Heath, West Sussex, RH16 1XT

Conversion of vacant adjoined barn into nursery space at ground floor level, alterations to ground floor layout and an increase of child numbers to 70 children.

Mr Ayres

SUMMARY OF REPRESENTATIONS

1 letter of comment:

- Although we do not object to the conversion or the increase in children, we do have some concerns in relation to the car parking
- Insufficient capacity for staff to park
- Car park plan fails to address current lack of space
- No space for resident guest parking
- No signage to clarify where staff, visitors and parents can park
- No maintenance has taken place in over 5 years, resulting in large potholes, lack of parking lines
- During peak pick up and drop off times the cars queue out onto Copyhold Lane (a generous single lane road with passing points), causing more congestion and problems on Bordehill Lane
- The large hedge on the left hand side on the exit is poorly maintained reducing visibility on the road to leave the carpark
- Historically Bright Horizons do not adhere to the permitted construction times

SUMMARY OF CONSULTEES

MSDC Consultant Ecologist

No objection, subject to conditions.

MSDC Environmental Protection Officer

This nursery has been in operation for a number of years, and EP have received no noise complaints relating to activity on site.

Given this application will not change the outside area, and that it will increase the number of children by 13, the impact on residents is likely to be negligible.

The only recommendation I would make would be to control construction times and commercial delivery/collection times during the construction phase if permission is granted.

WSCC Highways

No objection.

TOWN / PARISH COUNCIL OBSERVATIONS

The Parish Council has no objection with the application, however the Parish Council ask that the planning officer considers the neighbours comments regarding the limited parking at the site.

INTRODUCTION

Full planning permission is sought for the conversion of a vacant adjoined barn into nursery space at ground floor level, together with alterations to the ground floor layout and an increase of child numbers to 70 children.

RELEVANT PLANNING HISTORY

In July 2014, planning permission was granted for change of use from B1 (Business) to D1 (Non Residential Institutions) for use as Day Nursery (14/01720/COU).

In April 2021, planning permission was granted for a new first floor porch extension (DM/21/0403).

SITE AND SURROUNDINGS

The 0.29 ha site is located on the northern side of Copyhold Lane between Haywards Heath and Balcombe. It is set at a lower level than the road and contains several buildings, one of which is a 2-storey, timber-clad structure in use as a day nursery (Bright Horizons), with corrugated roof and external stairs. Attached to this on the western side is a single-storey barn, which is wider than the taller building, with wooden sliding door to the side. This is the building subject of this application.

The site has an appearance of a yard and other areas are rented to other businesses. Set opposite these buildings at a higher level is a corrugated metal barn. In the centre of the site between these buildings is an area of hardstanding for parking, and running to the front of the day nursery building is a single access drive for vehicles. Surrounding the site are various trees and vegetation, with a dedicated woodland garden to the north, containing enclosures for various livestock including goats, chickens and ducks. To the east is a terrace of 3 residential dwellings (67, 68 and 69 Brighton Cottages).

In policy terms, the site is situated within the countryside and within the High Weald Area of Outstanding Natural Beauty. It is also designated as a Great Crested Newt Impact Risk Zone (Amber).

APPLICATION DETAILS

Full planning permission is sought for the conversion of a vacant adjoined barn into nursery space at ground floor level, together with alterations to the ground floor layout and an increase of child numbers to 70 children (from 52 as permitted by planning permission 14/01720/COU).

In detail, the building will be converted by way of a pod structure built internally, to comprise a new staff room, food preparation area and extension of child space (totalling 62 sq m). Externally a new door will be inserted to the side elevation (adjacent to the front of the existing building) and 2 new windows to the rear elevation. A new internal door will ensure access between the buildings.

Externally, 2 additional car parking spaces will be provided (to the immediate west of the barn, totalling 21), together with a new cycle store (for 8 bikes) and a new refuse storage area (to the east of the existing nursery building).

As per the 2014 planning permission, the nursery will continue to operate between 0730hrs and 1830hrs at the latest. It is not envisaged that additional employment will be created on top of the existing 19 employees.

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.

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

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

Mid Sussex District Plan (Mar 2018)

The Mid Sussex District Plan 2014-2031 was adopted at Full Council on 28 March 2018.

Relevant policies:

Policy DP1: Sustainable Economic Development

Policy DP12: Protection and Enhancement of Countryside

Policy DP16: High Weald Area of Outstanding Natural Beauty

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

Policy DP21: Transport

Policy DP25: Community Facilities and Local Services

Policy DP26: Character and Design

Policy DP28: Accessibility

Policy DP29: Noise, Air and Light Pollution

Policy DP38: Biodiversity

Site Allocations DPD

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

There are no relevant policies.

Ardingly Neighbourhood Plan (Nov 2014)

Mid Sussex District Council formally 'made' the Ardingly Neighbourhood Plan part of the Local Development Plan for the Parish of Ardingly as of 18 March 2015. The policies contained therein carry full weight as part of the Development Plan for planning decisions within Ardingly.

Relevant policies:

Policy ARD2: A Spatial Plan for the Parish

Policy ARD8: Biodiversity

Other Legislation

Countryside and Rights of Way (CROW) Act 2000

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021-2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the Stage 1 hearings were concluded on 31 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:

DPS6: Health and Wellbeing
DPN1: Biodiversity, Geodiversity and Nature Recovery
DPN2: Biodiversity Net Gain
DPN6: Pollution
DPN7: Noise Impacts
DPC1: Protection and Enhancement of the Countryside
DPC4: High Weald Area of Outstanding Natural Beauty
DPC6: Ashdown Forest SPA and SAC
DPB1: Character and Design
DPT3: Active and Sustainable Travel
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPE1: Sustainable Economic Development
DPE2: Existing Employment Sites
DPE8: Sustainable Rural Development and the Rural Economy
DPH12: Accessibility
DPI6: Community and Cultural Facilities and Local Services

Mid Sussex Design Guide Supplementary Planning Document (Nov 2020)

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 4 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.

Relevant design principles include:

Principle DG11: Respond to the existing townscape, heritage assets and historic landscape
Principle DG24: Plan for cyclists
Principle DG44: Design of commercial buildings
Principle DG48: Design to minimise the impact of noise, air and light pollution

Waste Storage and Collection Guidance for New Developments (May 2015)

National Planning Policy Framework (NPPF) (Dec 2024)

The National Planning Policy Framework (NPPF) 2024 is also a material consideration and paragraphs 8 (overarching objectives), 11 (presumption in favour of sustainable development), 12 (status of development plan), 39 (decision-making), 48 (determining applications), 56 and 57 (planning conditions), 85 (building a strong, competitive economy), 88 and 89 (supporting a prosperous rural economy), 98 (social, recreational and cultural facilities and services), 109 (promoting sustainable transport), 115, 116, 117 and 118 (highways matters), 131 and 135 (design), 187 (conserving and enhancing the natural environment), 189 (National Parks and National Landscapes), 193 (biodiversity and ancient woodland), 194, 195 (habitats sites) and 198 (noise and light pollution) are considered to be relevant to this application.

High Weald AONB Management Plan 2024-2029 (2024)

This Plan has been prepared by the High Weald Joint Advisory Committee (including representatives from 15 local authorities, including Mid Sussex District Council) and sets out the long-term objectives for conserving this nationally important landscape.

West Sussex County Council: Guidance on Parking at New Developments (Aug 2019)

ASSESSMENT

Principle

Policy DP12 of the Mid Sussex District Plan states (in part):

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

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

Although the proposal is not necessary for the purposes of agriculture, Policy DP25 of the Mid Sussex District Plan relates to community facilities and local services that include education facilities. It states:

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

It is therefore considered that the proposal would represent an improvement to an existing facility, in terms of providing additional space and allowing expansion of the numbers of children using it, in accordance with the above policies, and the principle of the development is therefore acceptable.

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

Policy DP26 of the Mid Sussex District Plan states (in part):

'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;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *positively addresses sustainability considerations in the layout and the building design;'*

Design Principle DG44 of the Mid Sussex Design Guide SPD seeks to ensure that employment buildings respond positively to the character and architectural traditions of the District in terms of scale, mass, form, materials and detailing.

The barn is already in situ and hence the proposal seeks only to provide an additional door to the side elevation projecting forward of the frontage to the existing nursery, and 2 windows on the rear elevations. The external materials for both buildings are the same, reflecting the character of their rural location, and hence subject to a condition ensuring the materials are consistent with those of the existing nursery, it is considered that the proposal would comply with the above policy and guidance.

The additional parking spaces would be located adjacent to the barn and would not be marked out, similar to those already existing on this site, so would constitute very limited change to the existing situation. The cycle storage area will be located adjacent to the existing bin storage area, and both will be contained within new buildings, with external details and materials subject to condition. As they are located in close proximity to the existing nursery building, and in the context of an existing car park / yard area, the visual impact of these features will also be acceptable.

Overall, it is considered that the proposed works would comply with Policy DP26 of the Mid Sussex District Plan and the Mid Sussex Design Guide.

Impact on the High Weald AONB

The site is located within the High Weald Area of Outstanding Natural Beauty.

The legal framework for AONBs (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act 2000 (CRoW Act) which at Section 82 reaffirms the primary

purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW Act 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.

Policy DP16 of the Mid Sussex District Plan 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:

- *the identified landscape features or components of natural beauty and to their setting;*
- *the traditional interaction of people with nature, and appropriate land management;*
- *character and local distinctiveness, settlement pattern, sense of place and setting of the AONB;*
- and
- *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 AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

Policy ARD2 of the Ardingly Neighbourhood Plan states (in part):

'Development Proposals located outside the built-up area boundary will be required to demonstrate how they conserve the AONB. In this regard, proposals should seek to address the provisions of the High Weald AONB Management Plan.'

Paragraph 189 of the NPPF states that:

'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to 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 these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimize adverse impacts on the designated areas.'

The proposed alterations to the exterior of the building are considered to be modest in scope and in keeping with the rural character of the area. Similarly, the enclosure to the existing bin storage area, the new cycle storage area and the additional 2 car parking spaces will have a very limited impact on the wider AONB, given their location adjacent to existing buildings. As such, they will be viewed in context with the existing built form and not isolated in the landscape. They will largely be screened from public views by the existing vegetation.

Overall, therefore, it is not considered that the proposals would detract from the visual quality of the Area of Outstanding Natural Beauty and accordingly, the scheme would comply with Policy DP16 of the Mid Sussex District Plan, Policy ARD2 of the Ardingly Neighbourhood Plan and paragraph 189 of the NPPF.

Impact on neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states (in part):

'All applicants will be required to demonstrate that development:

- 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)'

Policy DP29 states:

'The environment, including nationally designated environmental sites, nationally protected landscapes, areas of nature conservation or geological interest, wildlife habitats, and the quality of people's life will be protected from unacceptable levels of noise, light and air pollution by only permitting development where:

Noise pollution:

o It is designed, located and controlled to minimise the impact of noise on health and quality of life, neighbouring properties and the surrounding area;
o If it is likely to generate significant levels of noise it incorporates appropriate noise attenuation measures;

Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development.

In appropriate circumstances, the applicant will be required to provide:

o an assessment of the impact of noise generated by a proposed development; or
o an assessment of the effect of noise by an existing noise source upon a proposed development;'

The main properties affected by the proposal would be the dwellings to the east: 67, 68 and 69 Brighton Cottages.

The Council's Environmental Protection Officer has commented on the proposal as follows:

'This nursery has been in operation for a number of years, and EP have received no noise complaints relating to activity on site.

Given this application will not change the outside area, and that it will increase the number of children by 13, the impact on residents is likely to be negligible.

The only recommendation I would make would be to control construction times and commercial delivery/collection times during the construction phase if permission is granted.'

It is understood that the EPO was advised of the number of children by the applicant (which appears to be in excess of that permitted by the 2014 permission). The agent subsequently confirmed in writing that: *'The nursery is currently operating slightly above the approved limit of 52 children due to high demand from parents for childcare places. This increase reflects local need rather than any operational change.'* However, the EPO did not consider that the resultant number of children being proposed would be unacceptable and these comments are agreed with. Therefore, subject to conditions limiting the number of children to 70, and controlling construction times and delivery/collection times during construction, it is considered that the proposal would comply with the above policy.

Highways

Policy DP21 of the Mid Sussex District Plan states (in part):

'... 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.'

The Highway Authority has made the following comments:

'West Sussex County Council was consulted previously on Highway Matters for this location under planning applications no. DM/1720/14/COU to which no objections were raised by the Highway Authority.

This application is to increase nursery places from 52 to 70. No other highway related changes are proposed. A total of 21 car parking spaces are available for nursery use on site and there is not anticipated to be any increase in staff numbers.

The increase of 18 child spaces is unlikely to result in a significant impact on the local highway network and the access visibility was improved as part of the original application. Unlike Primary Schools, parents tend to arrive at Nurseries at staggered time intervals in relation to their work/personal commitments, therefore the increase in arrivals/departures are likely to be spread over a period of at least 1 hour in AM/PM peaks. The current parking level is acceptable and is capable of supporting the increase providing start finish times remain staggered. No highway objection.'

Although a neighbouring resident has raised concerns about insufficient car parking in this area, it is not considered that it would be reasonable to refuse the application on this ground alone, given that the principle of this development was considered acceptable (albeit after a previous refusal and a dismissed appeal) on highway grounds in 2014. The above Highway Authority comments note that no additional staff are to be employed as a result of this development, and due to the nature of the activity on site and the age ranges, the increased number of arrivals and departures can be staggered during peak times. The applicant has responded that other matters raised by the neighbour are out of their control and it is the landlord's responsibility instead. In addition, 8 extra cycle parking spaces are proposed (on top of the existing 4 spaces), and this will contribute towards more sustainable modes of transport and greater choice in how staff and/or users will access this nursery facility. This can be secured through condition.

Accordingly, it is considered that the scheme would comply with Policy DP21 of the Mid Sussex District Plan.

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 Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*

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

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

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

Policy ARD8 of the Ardingly Neighbourhood Plan states:

'The Neighbourhood Plan will support proposals that protect and enhance the rich natural features that are a key component of the High Weald cultural landscape which provide habitats for Ardingly's diverse species populations. Proposals that provide favourable conditions for biodiversity including maintenance and enhancement of habitat connectivity and landscape scale conservation will be supported. Mitigation measures will be sought where any loss would be unavoidable and cause significant harm.'

Chapter 15 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value by minimising impacts on and providing net gains for biodiversity. In particular, paragraph 193 states:

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

- a) *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;*
- b) *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;*
- c) *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; and*
- d) *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.'*

An Ecological Impact Assessment was submitted as part of this application, noting that some direct evidence of Bats (bat droppings, approximately 10) was found, thus the building is a confirmed Bat roost. Accordingly, the conversion of the barn will cause the destruction of Bat roosts and may lead to injury and death of Bats. Therefore the EIA made recommendations that 3 Bat emergence surveys would be required during the active bat season (May to August or September) to characterise the roosts present.

The Bat Emergence and Re-Entry Surveys (BERS) report was subsequently submitted, confirming numerous Soprano and Common Pipistrelle roosts within the building and making several recommendations and enhancements (including the addition of 2 bat boxes on existing mature trees).

The Council's Ecological consultant has considered these reports and made the following comments:

'Summary

We have reviewed the Bat Emergence and Re-Entry Surveys (BERS) (Arbtech Consulting Ltd., August 2025) and Ecological Impact Assessment (Arbtech Consulting Ltd., November 2024) relating to the likely impacts of development on designated sites, protected and Priority species & habitats, identification of appropriate mitigation measures and mandatory Biodiversity Net Gain.

We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required.

We note from the Bat Emergence and Re-Entry Surveys (BERS) (Arbtech Consulting Ltd., August 2025) 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. This is because the dusk emergence surveys in May, June and July 2025 confirmed the following bat roosts in Building B1 (nursery and attached barn):

- 1. Soprano Pipistrelle maternity roost*
- 2. Soprano Pipistrelle day roost*
- 3. Soprano Pipistrelle day roost*
- 4. Soprano Pipistrelle day roost*
- 5. Common Pipistrelle day roost*
- 6. Common Pipistrelle day roost*

We support the outline mitigation measures under EPSML Recommendations in the Bat Emergence and Re-Entry Surveys (BERS) (Arbtech Consulting Ltd., August 2025).

We also support the Precautionary Method Statement for reptiles and mobile protected species (such as Hedgehog, which is a Priority and threatened species) in the Ecological Impact Assessment (Arbtech Consulting Ltd., November 2024). This should be secured by a condition of any consent and implemented in full.

We are now satisfied that there is sufficient ecological information available to support determination of this application. However, please note we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Bat Emergence and Re-Entry Surveys (BERS) (Arbtech Consulting Ltd., August 2025) and Ecological Impact Assessment (Arbtech Consulting Ltd., November 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality, which includes bats.

We support the recommendation that a Wildlife Friendly Lighting Strategy is implemented for this application (Bat Emergence and Re-Entry Surveys (BERS) (Arbtech Consulting Ltd., August 2025) and Ecological Impact Assessment (Arbtech Consulting Ltd., November 2024)) to avoid impacts from light disturbance. This should be secured by a condition of any consent and implemented in full. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely to be present within the local area. This should summarise the following measures recommended by Guidance Note: 08/23 (Institute of Lighting Professionals) will be implemented:

- o Do not provide excessive lighting. Light levels should be as low as possible as required to fulfil the lighting need.*
- o All luminaires should lack UV elements when manufactured. Metal halide, compact fluorescent sources should not be used.*
- o Warm White lights should be used at <2700k. This is necessary as lighting which emits an ultraviolet component or that has a blue spectral content has a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.*
- o Where appropriate, external security lighting should be set on motion-sensors and set to as short a possible a timer as the risk assessment will allow.*
- o Luminaires should always be mounted horizontally, with no light output above 90° and/or no upward tilt.*
- o Only if all other options have been explored, accessories such as baffles, hoods or louvres can be used to reduce light spill and direct it only to where it is needed. However, due to the lensing and fine cut-off control of the beam inherent in modern LED luminaires, the effect of cowls and baffles is often far less than anticipated and so should not be relied upon solely.*

With regard to Biodiversity Net Gain, the de-minimis exemption, as set out under the Biodiversity Gain Requirements (Exemptions) Regulations 2024, applies to development that does not impact a Priority habitat and impacts less than:

- o 25 square metres (5m by 5m) of on-site habitat*
- o 5 metres of on-site linear habitats (e.g. hedgerows or watercourse)*

The de-minimis threshold refers to impact and not size of the red-line boundary. A development 'impacts' a habitat if it decreases the biodiversity value.

Providing that the development does not affect any more than 25m², we are satisfied that the development is exempt from the statutory requirement of mandatory biodiversity net gains.

This is necessary to enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under the NERC Act 2006 (as amended).

We also recommend that reasonable biodiversity enhancements for protected, Priority and threatened species (such as bird boxes) should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.'

Having regard to the above advice, and subject to compliance with the recommended conditions, it is considered that the proposal would comply with Policy DP38 of the Mid Sussex District Plan, Chapter 15 of the NPPF (including paragraph 193) and the legislation outlined above.

The site is located within a designated Great Crested Newt - Impact Risk Zone (Amber). However, having regard to the nature of the application, it is unlikely to have an impact on newts and accordingly there would be no conflict with the above legislation, policy and guidance.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

Ashdown Forest

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

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

An overall Habitats Regulations Assessment screening report has been undertaken which includes the type of development proposed.

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

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

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and

eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

It is considered that the proposed development will not lead to an increase in traffic across Ashdown Forest. 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 screening report

The screening assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this 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.

Accessibility

Policy DP28 of the Mid Sussex District Plan states:

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.'

'This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.'

It is considered that the proposal would comply with this policy.

PLANNING BALANCE AND CONCLUSION

It is considered that the proposal would represent an improvement to an existing facility, in terms of providing additional space and allowing expansion of the numbers of children using it. The proposed external alterations are considered to be modest in scope and in keeping with the rural character of the area and the High Weald AONB. It is not considered that the proposal would cause significant detriment to surrounding residents. There would be no harm to biodiversity. Accordingly it is considered that the proposed development would comply with Policies DP1, DP12, DP16, DP17, DP21, DP25, DP26, DP28, DP29 and DP38 of the Mid Sussex District Plan, Policies ARD2 and ARD8 of the Ardingly Neighbourhood Plan, the Mid Sussex Design Guide SPD and the NPPF, and is therefore considered acceptable.

Decision: Permission

Case Officer: Andrew Watt