

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                                                                                          |                                        |               |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------|
| <b>Ref. No:</b>                              | DM/25/2331                                                                                                                                               | <b>Case Officer:</b>                   | Joanne Fisher |
| <b>Application Type:</b>                     | Full Application                                                                                                                                         |                                        |               |
| <b>Proposal:</b>                             | Detached four-bedroom dwelling house incorporating home office and separate detached garage/machine store and associated landscaping and infrastructure. |                                        |               |
| <b>Site:</b>                                 | Townhouse Farm, Church Lane, Ardingly, Haywards Heath, West Sussex, RH17 6UR, ,                                                                          |                                        |               |
| <b>Validation Date</b>                       | 7 Oct 2025                                                                                                                                               | <b>Overall Expiry Date:</b>            | 24 Nov 2025   |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                                                                                          | <b>Pre-Com Conditions Date Agreed:</b> | 28 Nov 2025   |
| <b>Recommendation:</b>                       | Permission                                                                                                                                               | <b>Recommendation Date:</b>            | 28 Nov 2025   |
| <b>Target Date:</b>                          | 2 Dec 2025                                                                                                                                               | <b>Recommending Officer Signature:</b> | Joanne Fisher |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |                 |              |            |
|------------------------------|-----------------|--------------|------------|
| <b>Signed and Agreed By:</b> | Stephen Ashdown | <b>Date:</b> | 1 Dec 2025 |
| <b>Comments:</b>             |                 |              |            |

## MID SUSSEX DISTRICT COUNCIL

**DM/25/2331**

**Townhouse Farm, Church Lane, Ardingly, Haywards Heath, West Sussex, RH17 6UR,  
Detached four-bedroom dwelling house incorporating home office and separate detached  
garage/machine store and associated landscaping and infrastructure.  
Mr And Mrs Dawson**

### **SUMMARY OF REPRESENTATIONS**

None received.

### **SUMMARY OF CONSULTEES**

#### MSDC Conservation Officer

On balance, the proposal is considered to preserve the settings of the adjacent listed buildings and the character and appearance of the Conservation Area, meeting the requirements of District Plan Policies DP34 and DP35 and the relevant paragraphs of the NPPF. Suggested conditions.

#### MSDC Flood Risk and Drainage

No objection subject to condition.

#### MSDC Tree Officer

No objection. Condition adherence to the Arboricultural Impact Assessment, and Arboricultural Method Statement.

#### MSDC Contaminated Land

Recommend condition.

#### Ecology Consultant

No objection subject to conditions.

#### Naturespace

Condition to secure reasonable avoidance measures set out in the Ecological Impact Assessment.

#### Southern Water

Condition in relation to proposed means of surface water run off disposal.

#### MSDC Street Name and Numbering

Informative.

### **PARISH COUNCIL OBSERVATIONS**

Not received.

### **INTRODUCTION**

Permission is sought for a detached four-bedroom dwelling house incorporating home office and separate detached garage/machine store and associated landscaping and infrastructure at Townhouse Farm, Church Lane, Ardingly.

## **RELEVANT PLANNING HISTORY**

DM/21/3536 - Demolition of pair of semi-detached houses (C3) and steel portal frame barns currently used for commercial purposes (B8) as well as removal of hardstanding and silage clamp. Construction of 2No detached four-bedroom dwellinghouses (C3) with outbuildings incidental to the enjoyment of the properties. AMENDED PLANS received 5/08/2022 and updated supporting statements received 10/08/2022 showing revised design of dwellings and outbuildings and revised positioning of outbuildings for all Plots. Approved.

DM/23/1431 - Variation of conditions 3, 4, 5, 6, 7 and 8 relating to planning reference DM/21/3536. Approved.

DM/24/1851 - Discharge of planning conditions no's 3, 4, 5, 7 and 8 relating DM/23/1431 (which varied conditions to DM/21/3536) in relation to Plot 2. Approved.

DM/24/2682 - Construction of 1No. detached four-bedroom dwelling house with basement, detached single storey garage/home office, detached single storey garden store and associated landscaping and infrastructure. Withdrawn.

DM/25/1155 - Commencement of planning application DM/23/1431. Approved.

## **SITE AND SURROUNDINGS**

The site forms the northern part of the wider site approved under DM/21/3536 which has been cleared. Originally there were a number of farm buildings and concrete hardstanding. As the site has been cleared of the buildings there is heras fencing around the site.

The site is located within the Ardingly Conservation Area and is directly to the west of Grade II listed Townhouse, where the site is within its setting. A second listed building, Old Knowles, is a short distance to the north-east along Church Lane.

The surrounding land with the exception of the development along Church Lane is rural of open fields and woods. There are extensive views to the south looking across a valley, to the bottom of which is Ardingly Reservoir. The sites sits to the north of a crossing of public rights of way, one running south-west to north-east, and one west to south-east, before turning south.

A public right of way runs to the south of the site and along Church Lane (route ARD/34Ar/2) with a further footpath to the south along the fields (route ARD/31Ar/1).

The application site is situated within a countryside area and the High Weald Area of Outstanding Natural Beauty (HWAONB), as designated within the Mid Sussex District Plan and the Neighbourhood Plan.

## **APPLICATION DETAILS**

Permission is sought for the construction of a detached four-bedroom dwelling house, detached single storey garage and machine store and associated landscaping and infrastructure.

There is already permission on the site for the replacement of the cottages within the wider site to the south with the removal of the farm buildings and the replacement with a dwelling on this land approved originally under reference DM/21/3536. The farm buildings have been demolished, and works have been undertaken to implement the permission for the dwelling on the application site.

The proposal is to for a detached dwelling of a 'Sussex style' barn design. This comprises of three elements of the main 'barn' style dwelling of two storeys with a linked attached one and a half storey

subservient wing in masonry, a single storey side element to the west and a rear single storey element. There is also to be a detached double garage with machine store to the eastern side of the dwelling.

The dwelling and outbuilding are to be constructed with a stone plinth and timber weatherboarding with a clay tiled roof.

## **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, and*
- b) Any local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

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

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

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 Allocations Development Plan Document (DPD) and the Ardingly Neighbourhood Plan.

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

### **Mid Sussex District Plan**

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

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

DP21: Transport

DP22: Rights of Way and other recreational routes

DP26: Character and Design

DP27: Dwelling Space Standards

DP29: Noise, Air and Light Pollution

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.

### **Ardingly Neighbourhood Plan**

The Ardingly was made in November 2014 and forms part of the development plan. The relevant policies are considered to be:

Policy ARD1: The Presumption in Favour of Sustainable Development  
Policy ARD2: A Spatial Plan for the Parish  
Policy ARD5: Housing Design  
Policy ARD8: Biodiversity  
Policy ARD9: Heritage Assets

### **Other Legislation**

*Countryside and Rights of Way Act (CROW) 2000*

*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:

DPS1: Climate Change  
DPS2: Sustainable Design and Construction  
DPS4: Flood Risk and Drainage  
DPN2: Biodiversity Net Gain  
DPN4: Trees, Woodland and Hedgerows  
DPC1: Protection and Enhancement of the Countryside  
DPC3: New Homes in the Countryside  
DPC4: High Weald Area of Outstanding Natural Beauty  
DPC6: Ashdown Forest SPA and SAC  
DPB1: Character and Design  
DPB2: Listed Buildings and Other Heritage Assets  
DPB3: Conservation Areas

DPT1: Placemaking and Connectivity  
DPT2: Rights of Way and Other Recreational Routes  
DPH6: Self and Custom Build Housing  
DPH11: Dwelling Space Standards

### *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 2024-2029*

### 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*

### *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
- Design and Impact on the character and appearance of the area and HWAONB
- Impact on heritage assets
- Highways
- Impact on Residential Amenity
- Housing Standards
- Flood Risk and Drainage
- Trees
- Ecology
- Sustainability
- Ashdown Forest
- Biodiversity Net Gain
- Planning Balance and Conclusion

### **Principle**

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 Ardingly 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 refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;

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

The proposed residential development does not meet any of these special justifications. However, Policy DP15 also allows for replacement dwellings and states:

*'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.'*

Whilst not on this parcel of land, there was a semi-detached dwelling to the south of the site where permission has been granted under reference DM/23/1431 to replace these cottages on a wider site for 2 detached dwellings. This is an extant permission. This application is seeking plot 2 of the previous permission to come forward separately.

The visual impact and design of the proposal is set out within the below sections of the report. Subject to this consideration the proposal is considered to comply with policies DP12 and DP15 of the Mid Sussex District Plan.

## **Assessment**

### **Design and Impact on the character and appearance of the area and HWAONB**

One of the objectives of achieving sustainable development is to ensure that proposals *'contribute to protecting and enhancing our natural, built and historic environment'* (para 8, NPPF).

The site falls outside of the built-up area (within the countryside). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area. Policy DP12 of the District Plan in part requires proposals to *'maintains or where possible enhances the quality of the rural and landscape character of the District'*.

Para 187 of the NPPF requires proposals to contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside'*.

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.

Policy DP16 of the District Plan relates to the High Weald AONB and requires proposals to *'conserve or enhance natural beauty'*.

Paragraph 189 of the NPPF 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 66. 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.'*

*Footnote 66: English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.*

Policy DP26 of the District Plan relates to character and design. In part it requires developments to be well designed, be of a high-quality design and layout with appropriate landscaping and greenspace; contribute positively to and clearly define public and private realms as well as creating a sense of place whilst addressing the character and scale of surrounding buildings and landscape.

The Council's adopted Design Guide is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for innovative and inventive designs that responds to the sustainability agenda within DG37. In addition, there is support for architectural integrity and a sense of place within DG38 where the facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. In addition, design principle DG39 requires the scale of new buildings to relate to their context.

Policy ARD5 of the Neighbourhood Plan relates to housing design and requires in part all developments to be sympathetic of the character and scale of surrounding buildings and landscape.

Para 131 of the NPPF seeks the creation of high quality, beautiful and sustainable buildings, and states that good design is a key aspect of sustainable development and creates better places in which to live and work. In addition, para 135b of the NPPF requires developments to be visually attractive as a result of good architecture, layout, and appropriate and effective landscaping.

The scale and design of the dwelling and garage are considered appropriate to its rural setting and the High Weald AONB. The dwelling is to provide a 'Sussex barn' typology with a barn hipped roof and single storey pitched roof elements. Whilst this application is slightly larger and taller than the proposal previously granted on the site, it is considered that the varying design elements break up the mass and scale of the dwelling and provide architectural integrity. There are to be conservation rooflights which are sensitive to the design of the building and the character of the area.

The attached 'outbuilding' has brick elevations over a stone plinth which is an appropriate material in the context of ancillary agricultural buildings. The contrast between the two finishes acts to break down the mass of the development. The fenestration and detailing of this part of the building, including the high level 'granary' door with shutters, are considered acceptable.

The detached garage building, has a 'cartshed' aesthetic, including a stone plinth, weatherboarded elevations, a tiled roof with a catslide to one side, three openings with side hung timber doors, and an open sided log store with stone and timber posts. The design is considered sympathetic to the context, subject to detail to be reserved by condition.

Due to the design and positioning of the dwelling, it is considered that the proposal would maintain the character of the countryside and conserve the High Weald AONB. The dwelling through its siting and the landscaping would result in no wider landscape harm to the area.

The proposal is thereby considered to comply with Policies DP12, DP16 and DP26 of the District Plan, Policy ARD5 of the Neighbourhood Plan and the provisions of the NPPF.

### **Impact on heritage assets**

The site lies within the setting of the Ardingly (West) Conservation Area. In addition, the site is within the setting of the Grade II listed former farmhouse at Townhouse Farm, which is a short distance to the east, and within the wider setting of Old Knowles, also a Grade II listed former farmhouse, which is to the north-east along Church Lane.

S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'*

Policy DP34 of the District Plan refers to listed buildings and other heritage assets and seeks to protect listed buildings and their settings.

S.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

*'In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'*

Policy DP35 of the District Plan relates to Conservation Areas. It requires developments to *'protect the setting of the conservation area and in particular views into and out of the area.'*

Policy ARD9 of the Neighbourhood Plan relates to Heritage Assets. In this it requires development proposals affecting a listed building or conservation area or their setting to conserve or enhance the special quality and distinctive character of Ardingly.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.  
Para's 212 - 215 of the NPPF states:

*'212. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

*213. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

*214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*215. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

The Council's Conservation Officer has considered the proposal and has provided detailed comments which are available on the file. In part she advises that the proposal *'retains the 'Sussex barn' typology of the approval, which was considered an appropriate response to the previous character of the site and*

*its context, but amends the footprint of the development from three detached buildings as described above, to a main dwelling (the 'barn') with an attached 'outbuilding' providing further residential accommodation, and a detached garage and machine store which has a 'cartshed' aesthetic.*

*The position of the development within the site has been altered, with the house moved forward towards the southern site frontage. However, the attachment of the 'outbuilding' sets this further back so that the overall building line is in effect further to the north than as approved. It is also now within the footprint of the previously present demolished barns.*

*The height of the main ridge to the 'barn' is slightly raised in comparison with the approval, and the attachment of the outbuilding to this element further increases the bulk of the house. However, the inclusion of a single storey link which is glazed to the southern elevation facing onto the PROW breaks up the mass of the building and placing the outbuilding adjacent to the barn results in a more compact development overall. On balance, the revised footprint and massing of the proposal are considered acceptable.'*

*She concludes that on balance that 'the proposal is considered to preserve the settings of the adjacent listed buildings and the character and appearance of the Conservation Area'*

Officers agree with the comments of the Councils Conservation Officer and consider that the revised scheme is of a suitable design and scale and that appropriate landscaping would preserve the setting of the Conservation Area and would not cause detriment to wider views in and out of this designated heritage asset. In addition, the proposal would preserve the setting of the nearby listed buildings. As such the development would result in a neutral impact to the nearby listed buildings and the Ardingly Conservation Area.

In view of the above it is therefore considered that the proposal would comply with Policies DP34 and DP35 of the District Plan, Policy ARD9 of the Neighbourhood Plan and the relevant paragraphs of the NPPF.

## **Highways**

Policy DP21 of the District Plan seeks to ensure that schemes are sustainably located to minimise the need for travel, and protect the safety of road users and pedestrians, and seeks to provide adequate parking in relation to development proposals.

Paragraph 115 of the NPPF is relevant in respect of transport matters and requires amongst other criteria that when assessing sites that sustainable transport modes are prioritised and safe and suitable access to the site can be achieved for all users.

*In addition para 116 states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*

Church Lane is privately maintained in this location and is of a single track nature. Church Lane forms a public right of way (route 38Ar).

The proposal is to provide a garage and machine store with 2 car parking spaces within this building. In addition off road parking is to the front of this garage building.

The West Sussex County Council Guidance on Parking at New Developments (September 2020) identifies the site as within parking behaviour zone 1. This requires 4-bed dwellings to provide 2.7 parking spaces per dwelling. Plans show that the proposal would provide sufficient off-road parking for the dwelling within hardstanding areas and garaging.

Consequently the proposal is considered acceptable on highway safety and transport grounds and complies with policy DP21 of the District Plan, and para 115 of the NPPF.

## **Impact on Residential Amenity**

Policy DP26 of the District Plan states in part that proposals should *'not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution'*.

Due to the position of the dwelling and its relationship with neighbouring properties, it is considered that the proposal will not result in significant detriment to the amenities of the existing surrounding neighbouring occupiers in terms of an overbearing impact, overlooking, loss of privacy or a loss of light.

The proposal is thereby considered to comply with Policy DP26 of the District Plan in respect of residential amenities.

## **Housing Standards**

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and replaced the Council's adopted Dwelling Space Standards Supplementary Planning Document on 1st October 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents.

The proposal is to provide a 4-bed dwelling, which from Officer calculations indicate would exceed the floor space standards.

The proposal therefore complies with policy DP27 of the District Plan and the National Dwelling Space Standards.

## **Flood Risk and Drainage**

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

The Risk of Flooding from Surface Water mapping suggests the site is shown to be at very low surface water flood risk (comparable to flood zone 1) for the present day (2025) and to be at very low surface water flood risk (comparable to flood zone 1). within the climate change range of 2040 - 2060.

In terms of surface water drainage, it is proposed that the development will therefore utilise below-ground geocellular attenuation storage. In respect of foul drainage, the development will utilise a package treatment plant with discharge into a ditch/ watercourse on site.

The Council's Drainage Engineer has considered the proposal and raises no objection subject to a condition in relation to the details of the proposed foul and surface water drainage and means of disposal.

The proposal is considered to comply with policy DP41 of the Mid Sussex District Plan.

## **Trees**

Policy DP37 of the District Plan relates to trees, woodland and hedgerows and supports the protection and enhancement of trees, woodland, and hedgerows, and encourages new planting.

There are no trees within the red line of the application site. However, there are trees on the opposite side of the public right of the way to the south of the site and a tree on the opposite side of the access drive to the east.

An Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS) accompanies the application and sets out how trees would be protected during the course of the development comprising of tree protection barriers and contractor facilities and parking located outside of root protection areas.

The Council's Tree Officer has considered the proposal and raises no objection subject to adherence to the AIA and AMS. A condition can be placed on an approval in respect of this.

The proposal is thereby considered to comply with Policy DP37 of the 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 Act, all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act, certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

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

Para's 185 - 188 of the NPPF relate to habitats and biodiversity. Para 186 states *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists'*. In addition it considers that *'development whose primary objective is to conserve or enhance biodiversity should be supported'*.

The application is accompanied by a Preliminary Ecological Appraisal (January 2025) and a letter regarding a Great Crested Newt eDNA assessment.

The original farmyard site, which previously comprised multiple agricultural buildings, was cleared in 2024 and now consists of sparsely vegetated and bare ground. The Preliminary Ecological Appraisal (PEA) sets out that the trees and hedgerows will be retained. The PEA concludes that the site has low ecological value which is limited to the hedgerow to the west of the site and the trees to the south outside of the red line. It sets out that ecological enhancements should be provided in the form of planting.

The Council's Ecology Consultant has considered the proposal and raises no objection subject to conditions.

A letter dated May 2021 from the applicant's ecologist have been provided in respect of Great Crested Newts (GCNs). This concludes that GCN's are considered to be likely absent from the nearby pond. NatureSpace has considered this and raise no objection subject to a condition to secure the reasonable avoidance measures identified in the PEA.

Officers support the above comments from the Council's Ecology Consultant and NatureSpace.

The proposal subject to conditions thereby complies with policy DP38 of the District Plan, policy ARD8 of the Neighbourhood Plan, and the requirements of the NPPF.

## Sustainability

Policy DP21 of the District Plan relates to transport. In part it requires schemes to be *'sustainably located to minimise the need for travel'* and take *'opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

Policy DP39 of the Mid Sussex District Plan relates to sustainable design and construction. It requires all developments to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate a number of measures including minimise energy use and use renewable sources of energy.

Paragraph 161 of the NPPF states:

*'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'*

Paragraph 166 states:

*'In determining planning applications, local planning authorities should expect new development to:*  
*a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*  
*b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

The submitted Design and Access Statement has a section in relation to sustainability. In this it sets out that the dwelling seeks to achieve a high level of sustainability through a fabric first approach including thermal performance of the new building fabric to exceed the standards determined by Building Regulations Part L; a high level of airtightness; and high-performance double-glazed windows with gas-filled cavities. In addition, several passive measures are to be undertaken comprising of flow reducing / aerating taps, reduced capacity showers, and low-flush cisterns; renewable heating system and electric car charging points within the garage.

Whilst the site is not in a sustainable location, the proposal is for the replacement of one of the dwellings which is supported under Policy DP15 of the District Plan.

The proposal therefore complies with Policy DP39 of the District Plan.

## **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 (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.

An overall Habitats Regulations Assessment has been undertaken for the planning application 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 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.

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 a significant 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

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 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.

#### **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 for a self-build dwelling meaning that this development is exempt from providing biodiversity net gain.

#### **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 Ardingly Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP15, DP16, DP17, DP21, DP26, DP34, DP35, DP37, DP38, DP39 and DP41 and Neighbourhood Plan policies ARD2, ARD5, ARD8 and ARD9.

Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP4, DP6 and DP12 of the District Plan.

As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.

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.

The principle of the replacement dwelling has already been accepted under the granting of reference DM/21/3536 which included a wider site and various other works. Whilst the replacement dwelling is of a larger scale than the existing cottages, it is considered that the proposal and the detached outbuildings are of a traditional design which will maintain the character of the countryside and conserve the High Weald AONB.

When undertaking the balancing exercise the following benefits, harm and neutral impacts are as follows:

In terms of the scheme's benefits, socially, the provision of the new dwelling will bring about positive impacts to the local community. The construction of the development will likely provide local jobs and employment opportunities which is also a positive economic impact and once occupied result in spending within the locality. From an environmental view, the proposed development is of a sustainable design and construction, seeking to minimise energy use and using renewable sources of energy. This is all positive in the planning balance.

Whilst the proposal conflicts with some policies in the development plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that, while this is only one new dwelling, it would still contribute to the Council's much needed housing supply and make effective use of the land.

The neutral impacts relate to highways, impact to the setting of the listed buildings and on the Ardingly Conservation Area, neighbouring amenities, impact on Ashdown Forest and drainage.

In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.

In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome the proposal's conflict with the development plan.

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

Decision:        Permission

Case Officer: Joanne Fisher