

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1016	Case Officer:	Susan Dubberley
Application Type:	Full Application		
Proposal:	Demolition of existing dwelling and erection of replacement dwelling.		
Site:	Shellbrook, High Street, Ardingly, Haywards Heath, West Sussex, RH17 6TG, ,		
Validation Date	9 Jul 2025	Overall Expiry Date:	15 Aug 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	24 Nov 2025
Target Date:	3 Sep 2025	Recommending Officer Signature:	<i>Susan Dubberley</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	25 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1016

**Shellbrook, High Street, Ardingly, Haywards Heath, West Sussex, RH17 6TG,
Demolition of existing dwelling and erection of replacement dwelling.
Mr Chris Brotherton**

SUMMARY OF CONSULTATIONS

Conservation Officer: In terms of the NPPF the proposal would cause less than substantial harm, at the low-mid range of that scale, such that the requirements of paragraph 202 will apply.

WSCC Highways: The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 1116) and that there are no transport grounds to resist the proposal.

Drainage Officer: No objection subject to condition

Tree Officer: No objection subject to condition

SUMMARY OF REPRESENTATIONS

One letter of representation:

Concerned as to how are the new owners planning to access the site for all the building works. The existing shared entrance is extremely narrow, only a car width with trees and hedges either side. Difficult to understand how they plan to get all the machinery, materials etc onto the site without causing massive disruption to Whiteoaks.

INTRODUCTION

The application seeks planning permission for the demolition of the existing dwelling and erection of a replacement dwelling.

RELEVANT PLANNING HISTORY

DM/22/3304 - Demolition of garage structure and main dwelling house, including all foundations. Grading of land to match existing adjacent. Approved

SITE AND SURROUNDINGS

The site is located on the eastern side of High Street, Ardingly and covers an area of some 0.33 hectares, sloping from west to east. The site currently contains a derelict bungalow and garage. The dwelling is currently uninhabited having suffered severe fire damage in February 2023, which destroyed the majority of the roof, leaving the building and charred roof structure open to the elements. The building as well as the garden is overgrown and unkempt as a result.

The site borders and shares an access with Whiteoaks to the south (side) with Cob Lane to the northern (side) beyond which are Cob Cottages a pair of semi-detached cottages, with open countryside to the rear (east) of the site. To the west on the opposite side of the High Street is agricultural land and The Ardingly South of England showground.

The application site is situated within the Ardingly Conservation Area with the boundary of the conservation area running along the site boundaries to the north west and east. The site is located within the countryside, the High Weald Area of Outstanding Natural Beauty, within 7km of the Ashdown Forest

APPLICATION DETAILS

Planning permission is sought for the demolition of the existing house and the construction of a new contemporary 4-bedroom replacement dwelling, featuring an attached double garage with bedroom over, walled garden, and swimming pool with associated landscaping. The proposal also includes an annex/games room, connected to the main house via a glazed link. The annex along with the main house would form a central courtyard around the swimming pool. Hard surfacing would surround the pool and courtyard area providing external amenity space accessible from the main house and annex.

The replacement dwelling would measure some 7.6 metres in width and 30m metres in depth including the double garage. The height of the dwelling would be between some 7.73m to 8.4m due to difference in levels. The annexe building would have a height of some 2.9m, a depth of 13m and width of approximately 5m.

The existing dwelling prior to the fire damage measured a maximum of 26 metres in depth, by 10.1 metres in width, with an overall height of 6.6 metres

The proposed materials for this contemporary dwelling are brickwork at ground floor and the courtyard wall, clay tile hanging at first floor, with metal cladding on the dormers. Charred timber to be used on both the garage and the annex as a reference to the existing dwelling which was severely damaged by a fire in 2023. A sedum roof is proposed on the flat roof of the annexe.

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 District Plan, the Sites Allocation DPD and the Ardingly Neighbourhood Plan.

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

Mid Sussex District Plan (adopted March 2018)

Relevant policies:

DP12 - Protection and Enhancement of Countryside
DP15 - New Homes in the Countryside
DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP35 - Conservation Areas
DP37 - Trees, Woodland and Hedgerows
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 Neighbourhood Plan was made in March 2015. It forms part of the Development Plan for the District and can be given full weight.

Relevant policies:

Policy ARD2: A Spatial Plan for the Parish

Policy ARD5: Housing Design

Policy ARD9: Heritage Assets

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 the majority of 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:

DPH1: Housing

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

DPB3: Conservation Areas

DPN2 - Biodiversity Net Gain

DPN4: Trees, Woodland and Hedgerows

DPN7 - Noise Impacts

DPT3 - Active and Sustainable Travel

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

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

The legal framework for AONBs 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'.

Planning (Listed Buildings and Conservation Areas) Act 1990

National Policy

National Planning Policy Framework (NPPF December 2023)

National Planning Policy Guidance (NPPG)

ASSESSMENT

The main issues in the consideration of this application are:

- Principle of replacement dwelling
- Design and impact on the character of the area
- High Weald AONB
 - Neighbouring amenity
- Highway access and parking
- Trees
- Drainage
- Ashdown Forest
- Sustainability
- Dwelling Space Standards; and
- Planning Balance and Conclusion

Principle of Development

In regard to the principle of development, 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."*

Policy DP15 of the Mid Sussex District Plan contains policy justification for replacement dwellings. It in part 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."*

In terms of the above criterion the property while vacant due to the current uninhabitable condition because of the fire damage, the residential use had not been abandoned. The highways access, parking arrangement and impact on the quality of the natural and/or built landscape of the High Weald Area of Outstanding Natural Beauty and conservation area, will be assessed in subsequent sections of this report. However, the principle of a replacement dwelling is considered acceptable and complies with above-mentioned parts of policies DP12 and DP15 of the Mid Sussex District Plan.

The policies contained within the NPPF are material considerations which should be taken into account in the determination of this application. This is confirmed within paragraph 231 of the NPPF.

Paragraph 232 clarifies that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development, and states;

'For decision-taking this means;

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

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

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

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.'

Footnote 7 of paragraph 11(i) clarifies that the policies referred to are those in this Framework (rather than those in development plans) and relate to habitats sites (and those and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets and other heritage assets of archaeological interest; and areas at risk of flooding or coastal change.

Footnote 8 of paragraph 11 clarifies that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year land supply of deliverable housing sites (with an appropriate buffer) or where the Housing Delivery Test indicates that delivery of housing has been substantially below (less than 75%) of the housing requirement for the last three years, then relevant policies for the supply of housing should be considered out-of-date.

Having regard to the above, while the Council has performed excellently in respect of the Housing Delivery Test, a new standard method formula was published alongside the NPPF which gives Mid Sussex a significantly higher housing requirement than the current District Plan. As a result, and having regard for the need for an appropriate buffer, the Council is unable to demonstrate a five year supply of deliverable housing sites as per the requirements of paragraph 78 of the NPPF.

In light of the above, this development needs to be considered in the context of the presumption in favour of sustainable development. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 11(d) balance. If however the development is not found to be sustainable, that is not the end of the matter; the Local Planning Authority still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused, having particular regard for the key policies indicated in paragraph 11(d)(ii).

As part of this process, the weight to be given to development plan policies will need to be assessed against the degree of conformity with the NPPF. Therefore the key test that must be undertaken when assessing this application is as set out within para 11(d) of the NPPF.

Policy DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council's is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Design and impact on character of area

Policy DP26 of the District Plan relates to character and design and states in part that:

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

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;"*

Principle DG38 of the Mid Sussex Design Guide SPD states in part:

"Good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements."

Principle DG39 of the Mid Sussex Design Guide SPD states in part:

"The scale of new buildings should relate to their context (rural or urban), their location within the hierarchy of routes and whether they act as a focal point, landmark or corner building and the topography of a site."

Policy ARD5 of the neighbourhood plan:

requires all developments, including alterations to existing buildings, to be sympathetic of the character and scale of surrounding buildings and landscape.

The proposed dwelling retains the single storey nature of the existing dwelling with accommodation within the roof and whilst it does increase the footprint and height compared to the existing dwelling on the site, the scale, nature and appearance of the proposed dwelling are considered appropriate in the semi-rural setting in which it is located. The new dwelling would still sit comfortably on the plot.

Whilst the proposed external materials are more contemporary in their appearance than those used in the existing dwelling, the use of red tile hanging, local natural stone walls does however reflect that of the material used elsewhere in the village, with the charred timber to be used on both the garage and the annex as a reference to the existing dwelling and the fire damage.

Taking into account the above the new dwelling is considered to be of an appropriate design and scale and would be in keeping with the locality, and the surrounding area. The proposal is therefore considered to comply with policies DP26 and DP34 of the Mid Sussex District Plan, Policy ARD5 of the neighbourhood plan, and principles DG38 and DG39 of the Mid Sussex Design Guide SPD.

Impact on High Weald AONB

The site lies within the High Weald Area of Outstanding Natural Beauty. The legal framework for Areas of Outstanding Natural Beauty (AONB) in England and Wales is provided by the Countryside and Rights of Way Act 2000. Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. It also 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."

Policy 16 of the District Plan requires proposals in the AONB to conserve or enhance natural beauty.

Policy ARD2 of the neighbourhood plan in part states:

Development Proposals located outside the built-up area boundary will be required to demonstrate how they conserve the AONB.

Paragraph 182 of the NPPF is also relevant. This states:

'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.'

A similar ethos is found within the High Weald AONB Management Plan.

In this case while the site is located in AONB, it is well screened from public view, with the boundaries formed by dense hedgerows and mature trees. The proposals would also replace an existing dwelling on the site and one which is currently an eyesore due to its derelict state resulting from the fire in 2023. It is therefore considered that there would be no detrimental impact arising from the application on either the countryside setting or the AONB.

The replacement dwelling remains single storey in its nature, albeit higher than the existing dwelling on the site and as set out in previous section of this report the scale, nature and appearance of the proposed dwelling are considered to be appropriate in the semi-rural setting in which it is located. Due to the existing boundary treatment, there are limited views of the site from the surrounding area.

In view of the above it is considered that the proposal would not have any adverse impact on the landscape quality of the AONB and the proposal complies with the requirements of policy DP16 of the District Plan, Policy ARD2 of the neighbourhood plan, The High Weald AONB Management Plan and paragraph 182 of the NPPF.

Impact on Conservation Area

The application site is situated within the Ardingly Conservation Area with the boundary of the conservation area running along the site boundaries to the north west and east.

The District Plan contains Policy DP35, which requires development to conserve or enhance the special character and appearance of Conservation Areas. The Policy states:

'Development in a conservation area will be required to conserve or enhance its special character, appearance and the range of activities which contribute to it. This will be achieved by ensuring that:

- o New buildings and extensions are sensitively designed to reflect the special characteristics of the area in terms of their scale, density, design and through the use of complementary materials;*
- o Open spaces, gardens, landscaping and boundary features that contribute to the special character of the area are protected. Any new landscaping or boundary features are designed to reflect that character;*
- o Traditional shop fronts that are a key feature of the conservation area are protected. Any alterations to shopfronts in a conservation area will only be permitted where they do not result in the loss of a traditional shopfront and the new design is sympathetic to the character of the existing building and street scene in which it is located;*

o Existing buildings that contribute to the character of the conservation area are protected. Where demolition is permitted, the replacement buildings are of a design that reflects the special characteristics of the area;
o Activities such as markets, crafts or other activities which contribute to the special character and appearance of the conservation area are supported;
o New pavements, roads and other surfaces reflect the materials and scale of the existing streets and surfaces in the conservation area.'

Policy ARD9 of the Neighbourhood Plan relates to heritage assets and states:

'The Neighbourhood Plan 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 Conservation Officer has been consulted on the proposal and having reviewed the application has raised an objection commenting:

'On the basis of the information in front of us I remain concerned that the increased height and bulk of the proposed new dwelling will result in an overbearing presence at this key entry point into the Conservation Area, at its semi-rural northern boundary, where there is at present a gradual transition in terms of density of development between the countryside to the north and the village centre to the south. In my opinion, the increased height and the largely unrelieved monolithic form of the proposed new dwelling as viewed from both the High Street and Cob Lane will result in an inappropriate apparent scale and bulk of development within the site.

I am also concerned that the detail of the design and in particular the fenestration does not show the high level of contextual response that we would expect in this sensitive location. The inclusion of a box dormer is regrettable, notwithstanding the previous presence of a similar window to the existing, now fire damaged house. Such a feature is not typical of the area generally and would not be supported by the Council's adopted design guide.

In summary for the reasons given above and previously I remain of the opinion that the proposal will detract from the character and appearance of the Ardingly Conservation Area, contrary to the requirements of District Plan Policy DP35. In terms of the NPPF the proposal would result in less than substantial harm, at around the low-mid level of that scale. The proposal is also contrary to the requirements of the Council's adopted Design Guide'.

While the comments of the Conservation Officer are noted and while the site is located in a conservation area, it is well screened from public view, with the boundaries formed by dense hedgerows and mature trees. The proposal would also replace an existing dwelling on the site and one which is currently an eyesore due to its derelict state resulting from the fire in 2023. It is therefore considered that the replacement of the current dwelling would be beneficial to the conservation area by removing the fire damaged derelict building on the site.

The replacement dwelling remains single storey in its nature, albeit higher than the existing dwelling on the site and as set out in previous section of this report the scale, nature and appearance of the proposed dwelling are considered to be appropriate in the semi-rural setting in which it is located. Due to the existing boundary treatment, there are limited views of the site from the surrounding area.

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

Impact upon residential amenity

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

In regard to the impact on adjoining properties the nearest residential property is Whiteoaks, a detached dwelling located immediately to the south of the application site. There is a shared access with the application site and Whiteoaks.

While the footprint of the proposed dwelling is closer to the joint boundary set some 1.4m from the boundary, it would be the single storey annexe that would be closest to the boundary with a height of some 2.9m. There are no windows on this element of the proposed new dwelling facing the joint boundary, other than a small window to a bathroom. While three trees are to be removed to accommodate the single storey annex, mature vegetation would remain on the boundary to provide some screening. It is also noted that there is a single storey double garage on the neighbouring site that immediately adjoins the joint boundary.

There are bedroom windows at first floor level that would face the joint boundary but there would be some 12.5m away from the boundary.

There is a residential property to the north of the site, but this is located on the opposite side of Cob Lane, while to the east there is open land.

The representation from the adjoining property regarding the use of the shared access during construction, which questions how machinery, materials etc will get onto the site is noted. However, this is not part of the consideration of the planning merits of the application, as it is inevitable that there will be some disturbance during construction works for neighbouring properties.

It is therefore, in view of the above the proposal is considered to comply with the above-mentioned part of policy DP26 of the Mid Sussex District Plan.

Standard of accommodation

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015 and sets out space standards for all new residential dwellings to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan seeks to ensure that Dwelling space standards comply with The Government's Technical Housing Standards - Nationally Described Space Standards document, which sets out space standards for all new residential dwellings to secure a satisfactory standard of accommodation for future residents.

In this case the plans show that the house would exceed the required space standards.

The proposals would therefore comply with Policy DP27 of the Mid Sussex District Plan.

Access and Parking

Policy DP21 the Mid Sussex District Plan requires development to: be sustainably located to minimise the need for travel; promote alternative means of transport to the private car, including provision of suitable facilities for secure and safe cycle parking; not cause a severe cumulative impact in terms of road safety and increased traffic congestion; be designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages; and provide adequate car parking in accordance with parking standards as agreed by the Local Planning Authority or in accordance with the relevant Neighbourhood Plan.

WSCC have reviewed the application and have raised no objection commented:

the existing vehicle access point on High Street is to be utilised, with no alterations to this arrangement proposed. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on High Street.

As this application seeks a replacement dwelling only, the proposals are not anticipated to give rise to a material intensification of use of the existing vehicle access point on High Street.

Regarding parking, a double-bay garage is proposed, with a driveway/turning area fronting the proposed dwelling. The proposed car parking provision would be in accordance with WSCC Parking Standards for a dwelling of this size. The garage can be utilised for the secure storage of bicycles.

The application therefore is considered to comply with policy DP21 of the District Plan in regard to access, parking and highway safety.

Drainage

Policy DP41 of the District Plan relates to flood risk and drainage and states in part that *'Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'*

The application site lies within flood zone 1 and is at low fluvial flood risk (risk of flooding from Main Rivers). The Drainage Engineer has reviewed the drainage details submitted and has raised no objection. The Drainage Engineer is of the opinion that the development has shown that, in principle, drainage could successfully be provided on the site subject to the final details being conditioned.

As such the drainage of the development is considered acceptable, subject to condition and thereby according with policy DP41 of the District Plan and policy 4 of the Neighbourhood Plan.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Self and Custom Build development is exempt from providing biodiversity net gain, meaning development which:

i) consists of no more than 9 dwellings

ii) is carried out on a site which has an area no larger than 0.5 hectares, and

iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in Section 1(A1) of the Self Build and Custom House Building Act 2015).

The application has been submitted as a proposal for Self-build and custom build development on a site of <0.5 hectares. In this case mandatory BNG is not required as the proposal is exempt because it is for a self build dwelling.

Trees

Policy DP37 of the District Plan states that: *'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.'*

The plans show that only three trees along the southern boundary would be removed to facilitate the development and all of three are category 'C' trees. All the other trees on the site including those on the boundary would be retained. The Tree Officer has reviewed the Tree Protection Plan and Tree Impact Plan for this proposal and have no objection subject to a condition to ensure adherence to these documents.

In view of the above it is therefore considered that the proposals would comply with policy DP37.

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.

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

Recreational disturbance

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

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan, 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.

The proposed development does not result in a net increase in dwellings within the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

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

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment 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 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.

Sustainability

Policy DP39 of the District Plan relates to sustainable design and construction and states that:

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

- o 'Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*

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

An Energy & Sustainability Strategy has been submitted setting out energy efficiency measures that have been incorporated into the development. These measures include a fabric first approach for the development to minimise energy consumption through passive design measures; the use of energy efficient white goods; Where possible, the layout of the proposed dwelling has been designed to optimise the daylight and sunlight quality within the home; An air source heat pump is proposed and solar panels are shown on the flat roof section of the dwelling.

In view of the above is considered that the proposal would accord with policy DP39 of the District Plan.

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.

National planning policy states that planning should be genuinely plan-led. Planning decisions should therefore be in accordance with the development plan unless material considerations indicate 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 a replacement dwelling is considered acceptable and to be of an appropriate design and appearance to protect the character of the surrounding area, AONB and conservation area. While the objection from the conservation officer concerning the scale and bulk of development is noted, it is considered that in this case while the site is located in a conservation area, it is well screened from public view, with the boundaries formed by dense hedgerows and mature trees. The proposals would also replace an existing dwelling on the site and one which is currently an eyesore due to its derelict state resulting from the fire in 2023. It is therefore considered that the replacement of the current dwelling would be beneficial to the conservation area by removing the fire damaged derelict building on the site.

The proposal would have a neutral effect in terms of highways and parking, neighbouring amenity and drainage. There will be no likely significant effect on the Ashdown Forest SPA and SAC and the impact on the Ashdown Forest.

In light of the above, it is considered that the proposal would accord with policies DP12, DP15, DP17, DP21, DP26, DP27, DP35, DP37, DP39 and DP41 of the Mid Sussex District Plan, policies ARD2, ARD5 and ARD9 the Ardingly Neighbourhood Plan, the Mid Sussex Design Guide SPD, and the aims of the NPPF.

In weighing up these issues, when taken together, it is not considered that there are any adverse impacts of the development that would significantly or demonstrably outweigh the benefits of the proposal. In these circumstances the NPPF states that permission should be granted.

Decision: Permission

Case Officer: Susan Dubberley