

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2549	Case Officer:	Hamish Evans
Application Type:	Full Application		
Proposal:	Change of use from boarding house (C2) to single dwellinghouse with integral annexe (C3). Existing external stair cases to be removed.		
Site:	Avondale, 3 Glendale Road, Burgess Hill, West Sussex, RH15 0EE, , ,		
Validation Date	13 Oct 2025	Overall Expiry Date:	21 Nov 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	24 Nov 2025
Target Date:	8 Dec 2025	Recommending Officer Signature:	Hamish Evans

Date Legal Agreement Completed: (if applicable)		No of Representations:	7
--	--	-------------------------------	---

Signed and Agreed By:	Stephen Ashdown	Date:	25 Nov 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2549

**Avondale, 3 Glendale Road, Burgess Hill, West Sussex, RH15 0EE, ,
Change of use from boarding house (C2) to single dwellinghouse with integral annexe (C3).
Existing external stair cases to be removed.
Burgess Hill School For Girls**

SUMMARY OF REPRESENTATIONS

Six third-party representation letters have been received in respect of this application. Four representations object to the application. They state that the proposal is unlikely to be implemented and that an application for an HMO or an increase in residential units at the site will be applied for. They object to this scenario for a number of grounds.

Two letters were in support of the application due to effective use of the land, limited external alterations and the retention of existing landscaping.

SUMMARY OF CONSULTEES

None received.

TOWN COUNCIL OBSERVATIONS

Burgess Hill Town Council

Recommend approval.

INTRODUCTION

The application seeks planning permission for the change of use from a boarding house (C2) to a single dwellinghouse with integral annexe (C3) and the removal of an existing external staircase at Avondale 3 Glendale Road, Burgess Hill.

RELEVANT PLANNING HISTORY

No relevant planning history.

SITE AND SURROUNDINGS

The site is located within the Burgess Hill built up area boundary and within the Silverdale Road/Birchwood Grove Road Conservation Area.

The existing building is a part two part three storey boarding house which is of a significant scale. It has been used in association with Burgess Hill School for Girls as student and staff accommodation. The submitted information states that the use ceased in July 2025.

The existing building is characterised by bare brown brickwork walls, brown clay roof tiles and white window and door frames. The existing building contains a storeroom, a staff kitchen, staff room, staff bedroom, two bathrooms, medical room, office room, common room, piano/work room and kitchen at ground floor level. At first floor level it consists of seven bedrooms, three bathrooms and a laundry room. The existing private amenity space is located to the east of the existing building and a parking area is located to the west of the site.

Access to the site is from Glendale Road located to the west of the site, residential properties are located to the north and south of the site and a woodland is located to the east of the site. Some eight off-street parking spaces are located to the west of the site. The existing boundary treatment consists of a mixture of significant hedgerows and 1.8 metre high closed board fencing. The residential dwellings within the surrounding area are of similar scales and design as the application buildings.

APPLICATION DETAILS

The application seeks planning permission for the change of use from a boarding house (C2) to a single dwellinghouse with integral annexe (C3) and the removal of an existing external staircase at Avondale 3 Glendale Road, Burgess Hill.

The proposal seeks to create a four-bedroom dwellinghouse with a one-bedroom integral annexe. The proposal does not include significant external works but does seek consent to remove the two existing external metal staircases to the east of the existing building.

The ground floor will provide kitchen-dining, living room, office and utility. The integral annexe will be to the northern part of the ground floor - in place of the staff accommodation. The annexe will be accessed by an existing external door to the north side of the building. It will provide bedroom, sitting room, kitchenette, store and bathroom. It is intended to provide semi-independent living accommodation for an elderly or extended family member. The first and second floors will provide bedrooms and bathrooms. The conversion will require the removal and erection of internal walls with existing window openings to be utilised.

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 Burgess Hill 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
DP21: Transport
DP25: Community Facilities and Local Services
DP26: Character and Design
DP27: Dwelling Space Standards
DP35: Conservation Areas
DP39: Sustainability

Site Allocations DPD

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

No policies considered relevant.

Burgess Hill Neighbourhood Plan

The Burgess Hill Neighbourhood Plan was made in January 2016.

Relevant policies:

Policy S3 - Protect and Enhance Existing Community and Medical Facilities
Policy S4 - Parking Standards for new developments

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPB1: Character and Design
DPB3: Conservation Areas
DPT4: Parking and Electric Vehicle Charging Infrastructure
DPH3: Sustainable Development - Inside the Built-up Area
DPI6: Community and Cultural Facilities and Local Services

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.

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.

Chapter 11 of the NPPF deals with making effective use of land and paragraph 125 c) sets out that decisions should;

'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals should be approved unless substantial harm would be caused...'

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.

ASSESSMENT

It is considered that the main issues that need to be considered in the determination of this application are as follows;

- o Principle
- o Character, Design and Conservation Area
- o Highways
- o Impact on Residential Amenity
- o Housing Standards
- o Ashdown Forest
- o Biodiversity Net Gain
- o Other matters
- o 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 inside of the built-up area of Burgess Hill as defined by the District Plan.

Policy DP6 of the Mid Sussex District Plan in part states:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

Policy DP25 of the Mid Sussex District Plan in part states:

'Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- o that the use is no longer viable; or*
- o that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- o that a replacement facility will be provided in the locality.'*

The application site has been used as a boarding house by Burgess Hill School for Girls to house boarding students. The submitted documents state that there has been a reduction in demand for boarding places and that the existing need can be accommodated within other existing sites within the applicant's ownership. The site is located within the built up area boundary and the service it provides can be adequately accommodated within existing similar sites. The proposal would provide an annexe which would be ancillary to the main dwelling and it would not be used as an independent unit of residential accommodation, this can be secured by a suitably worded condition. As such subject to it compliance with other policies within the development plan the principle of the proposed development is considered to be acceptable.

As per planning legislation, a decision must be made in accordance with the development plan unless there are any material planning considerations which indicate otherwise.

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 of 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.

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-

of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.

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

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.

Character, Design and Conservation Area

Policy DP35 of the District Plan 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.*

Development will also protect the setting of the conservation area and in particular views into and out of the area.

New buildings of outstanding or innovative design may be acceptable in conservation areas provided that their impact would not cause material harm to the area.'

The site is located within the Silverdale Road/Birchwood Grove Road Conservation Area, as designated in 1982. A Conservation Area is defined as an area of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance".

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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*
- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*

- o *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);*
- o *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o *positively addresses sustainability considerations in the layout and the building design;*
- o *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- o *optimises the potential of the site to accommodate development.'*

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The below assessment is made whilst being mindful of this guidance and having regard to the statutory duty of the Council, as the Local Planning Authority, to have special regard to the desirability of preserving the heritage asset (the Silverdale Road/Birchwood Grove Road Conservation Area), the site being within its boundary, and any features of special interest, as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal makes limited external alterations which consist of the removal of two external metal staircases. These staircases are not considered to be of any architectural merit and their loss is considered to be acceptable. The use of the building as a single residential unit would be compatible with the surrounding area, and the sites to the south and north of the site are similarly scaled dwellinghouses.

Taking into account the above the proposed development is considered to address the character and scale of the existing and surrounding buildings and would conserve the character and appearance of the Conservation Area. . Therefore, it is considered to comply with the above part of policies DP26 and DP35 of the Mid Sussex District Plan and the Mid Sussex Design Guide SPD.

Highways

Policy DP21 of the Mid Sussex District Plan requires that;

'The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;

The scheme protects the safety of road users and pedestrians'

Policy S4 of the Burgess Hill Neighbourhood Plan requires that new development provide some two off-street parking spaces and the WSCC Parking Guidance states that some 2.2 off-street parking spaces should be provided. The proposal would result in the creation of one new residential dwelling and an integral annexe. The existing site benefits from some eight off-street parking spaces and the proposal would not remove any of the existing parking spaces. The proposal seeks to utilise the existing access to the site and the proposed use is not considered to result in a significant intensification of the access. Taking into account the above it is considered that the proposal would comply with policy DP21 of the Mid Sussex District Plan, policy S4 of the Burgess Hill Neighbourhood Plan and the WSCC Parking Guidance.

Impact on Residential Amenity

Policy DP26 seeks to ensure that development:

'does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);'

The proposal does not include any external alterations other than the removal of two external staircases and the proposed use would reflect the uses in the adjacent site. The proposal will use the existing openings, and the resulting habitable rooms will be sufficiently serviced allowing in sunlight and daylight. The proposed dwelling will also use the existing private amenity space which is considered to be relatively significant.

Taking into account the above the proposal is considered to not cause significant harm to the amenities of nearby residents or future occupiers of the site and as such the proposal complies with policy DP26 of the Mid Sussex District Plan.

Housing Standards

The Government's Technical Housing Standards - Nationally Described Space Standards document was published in March 2015. It sets out space standards for all new residential dwellings, including minimum floor areas and room widths for bedrooms and minimum floor areas for storage, to secure a satisfactory standard of accommodation for future residents. Policy DP27 of the District Plan supports this.

The proposed conversion does not increase the size of the existing building. The existing building will be converted to a five-bedroom ten-persons dwelling with a total gross internal area of some 367.5 sqm. The above dimensions comply with the minimum gross internal floor areas which are set out within Technical housing standards - nationally described space standard and thereby providing a satisfactory standard of accommodation for future residents and according with policy DP27 of the District Plan.

Sustainability

Policy DP39 of the Mid Sussex District Plan states;

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

- Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- Use renewable sources of energy;*
- Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- 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.'*

Principle DG37 of the Council's Design Guide deals with 'sustainable buildings and states;

'The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.'

It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.

Paragraph 164 (b) of the NPPF seeks to ensure new development helps, 'to reduce greenhouse gas emissions, such as through its location, orientation and design.' In determining planning applications paragraph 166 (b) expects new development to, 'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'

No sustainability measures have been proposed as part of the proposal however it would be reusing and repurposing an existing building. As such it is considered that by way of its nature the proposal is considered acceptable and to accord 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.

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

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

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

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

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application

comprises development below the de-minimis threshold meaning that this development is exempt from providing biodiversity net gain.

Other Matters

Four representation letters have been received which object to the proposal due to it being unlikely that it would be implemented and that an application for an HMO or an increase in residential units at the site will be applied for. They object to these scenarios on a number of grounds. The application that has been submitted is not for an HMO or an increase in residential units on the site and a formal planning application may be required for those proposals. The LPA must consider the application in front of them and not what may or may not be applied for in the future.

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 Burgess Hill Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP4, DP6, DP21, DP25, DP26, DP27, PD35 and DP39 and Neighbourhood Plan policies S3 and S4.

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

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, it follows that the relevant policies for the supply of housing from the development plan are out-of-date (footnote 8 of paragraph 11 NPPF). As such, reduced weight should be given to these policies.

In these circumstances paragraph 11 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole (having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination), or specific policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development.

Paragraph 125 states in part (at criteria c) that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. In this case substantial harm has not been demonstrated and as such substantial weight needs to be given in the planning balance to the value of developing this brownfield site.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, the proposal would result in the provision of one new dwelling which will make a minor but positive contribution to the district's housing supply and requirement. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited.

The proposed development of this brownfield site in a built-up area will ensure that para 125 c of the NPPF is met. This is positive in the planning balance.

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

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

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

Overall, the planning balance is considered to fall significantly in favour of granting planning permission.

Decision: Permission

Case Officer: Hamish Evans