

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3139	Case Officer:	Caroline Grist
Application Type:	Full Application		
Proposal:	Change of use of wood shop to six Class E Use (Commercial, Business and Service use) units, together with associated works to the building and the use of adjacent land for ancillary car parking. Repairs to adjoining barn.		
Site:	1 The Calf Unit, Bowders Farm, Haywards Heath Road, Balcombe, Haywards Heath, West Sussex, RH17 6QH,		
Validation Date	28 Jan 2025	Overall Expiry Date:	10 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	2 Jul 2026
Target Date:	25 Mar 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	6 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3139

1 The Calf Unit, Bowders Farm, Haywards Heath Road, Balcombe, Haywards Heath, West Sussex, RH17 6QH

**Change of use of wood shop to six Class E Use (Commercial, Business and Service use) units, together with associated works to the building and the use of adjacent land for ancillary car parking. Repairs to adjoining barn.
Balcombe Estate**

SUMMARY OF REPRESENTATIONS

No representations have been received in response to this application.

SUMMARY OF CONSULTEES

Highways Authority

No objection. Condition recommended.

Street Naming and Numbering Officer

No objection. Informative recommended.

Environmental Protection Officer

No objection. Condition recommended.

Conservation Officer

No objection in principle but aspects of the detail, including in particular the use of uPVC to windows and doors, and some of the works to openings, are not acceptable.

PARISH COUNCIL OBSERVATIONS

No objections to the proposed changes and support the planning application.

INTRODUCTION

Planning permission is sought to change the use of a wood shop to six Class E Use (Commercial, Business and Service use) units, together with associated works to the building and the use of adjacent land for ancillary car parking. Repairs are also sought to an adjoining barn.

RELEVANT PLANNING HISTORY

07/03409/COU - Change of use from calf unit (now redundant on the farm) to a wood working premises with some specification improvement (insulation etc) but no structural changes. Permission.

DM/25/2324 - Erection of a 30m x 12m steel framed agricultural general purpose stage building. Prior Approval not Required.

SITE AND SURROUNDINGS

The application relates to existing buildings and a former area of hardstanding at the entrance to Bowders Farm, Haywards Heath Road. The buildings are single storey in nature and arranged in a 'Y'

shape. The supporting information sets out that it has been in commercial use, including a wood working premises, flexible office workspace, commercial storage for a local business, community use and as an art studio. The former area of hardstanding lies between the building and the highway.

The site is located outside of the built up area of Balcombe and therefore lies within the countryside. To the north of the site lies Bowders Farmhouse, which is a Grade II listed building, and separate to the application site. The highway is to the east, further farm buildings, some of which have also been converted, are to the west and fields are to the south. The application site is also within the High Weald Area of Outstanding Natural Beauty (AONB).

APPLICATION DETAILS

Planning permission primarily relates to change of use of the main 'U' shape building from a wood shop to six class E units. During the course of the application the proposed uses have been confirmed as follows:

- o Gym and yoga studio (Unit 1) (Class Ed),
- o Café (Class Eb),
- o Bakery/pie kitchen (Class Eb),
- o Hairdresser (Class Ec), and
- o Office (Class Eg).

Planning permission was granted in 2008 (07/03409/COU) for the southern and western limbs of the building to change their use from a redundant calf unit to a woodworking premises. The following condition was placed on this consent, regarding the use of the building:

'The proposed premises shall be used for a wood working shop and for no other purpose (including any other purpose in Class(es) B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987).

Reason: To protect nearby residential amenity and in the interest of highway safety and to comply with Policy B3 and C13 of Mid Sussex Local Plan'.

Permission is also sought to create a parking area between this building and the highway as well as repairs to an adjoining building to the rear.

Prior to the submission of this application, physical works had been undertaken to the building including alterations to openings, the installation of new or replacement upvc windows and the addition of upvc guttering. A modern barn to the road frontage has also been demolished and replaced with a gravelled parking area. During the course of the application it has also been noted that some of the units have been, or are in the process of, being occupied and associated works had been undertaken to the building. The application is therefore partially retrospective.

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 Document (DPD) and the Balcombe Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

DP1 - Sustainable Economic Development

DP12 - Protection and Enhancement of Countryside

DP16 - High Weald Area of Outstanding Natural Beauty

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

DP21 - Transport

DP26 - Character and Design

DP34 - Listed Buildings and Other Heritage Assets

Mid Sussex Site Allocations Document (DPD)

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

There are no relevant policies.

Balcombe Neighbourhood Plan

The Balcombe Neighbourhood Plan was formally made on 22nd September 2016.

Relevant policies:

Policy 1 - Built Up Area Boundary

Policy 3 - Design

Other Legislation

Countryside and Rights of Way Act (2000)

The Levelling-up and Regeneration Act (2023)

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 hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time 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:

DPS2 - Sustainable Design and Construction

DPS6 - Health and Wellbeing

DPC1 - Protection and Enhancement of the Countryside

DPC4 - High Weald Area of Outstanding Natural Beauty

DPC6 - Ashdown Forest SPA and SAC

DPB1 - Character and Design

DPB2 - Listed Buildings and Other Heritage Assets

DPT1 - Placemaking and Connectivity

DPE1 - Sustainable Economic Development

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.

High Weald AONB Management Plan 2024 - 2029

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

Principle of Development

Policy DP12 of the Mid Sussex District Plan states:

'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:

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

Policy DP1 of the Mid Sussex District Plan relates to sustainable economic development and, in part, sets out:

'The total number of additional jobs required within the district over the plan period is estimated to be an average of 543 jobs per year. This will be achieved by:

- o Encouraging high quality development of land and premises to meet the needs of 21st century businesses;*
- o Supporting existing businesses, and allowing them room to expand;*
- o Encouraging inward investment, especially the location, promotion and expansion of clusters or networks of knowledge, creative or high technology industries; and*
- o Seeking the provision of appropriate infrastructure to support business growth - in particular high speed broadband connections'.*

'Effective use of employment land and premises will be made by:

- o Giving priority to the re-use or adaptation of rural buildings for business or tourism use and to the diversification of activities on existing farm units (in accordance with Development in the Countryside policies)'.*

Policy DP16 of the Mid Sussex District Plan states that *'small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.'*

Policy 1 of the Balcombe Neighbourhood Plan sets out the following in relation to development outside of the built up area boundary:

'Development proposals outside of the Built Up Area Boundary will be required to conform to development plan policies in respect of the control of development in the countryside'.

Paragraph 88 of the NPPF states:

'Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'*

The proposal seeks to change the use of a building to create six Class E units. The submitted covering letter sets out that it is anticipated that the units will be occupied by local businesses and operators. Furthermore it is advised that the development would form part of the Bowders Estates' aspiration to:

'invest into the farm to provide a local rural economic destination, which compliments the existing local businesses operating in units to the west'.

The submitted floor plans show the units would have a variety of sizes that may appeal to a range of businesses within the surrounding area. It also would re-use a former farm building without the need for extending it.

It is therefore considered that although the proposal would not be used for an agricultural purpose, it would provide a range of units that are sought to be used by local businesses, which could also allow the opportunity for expansion. An assessment on the impact of the development on the surrounding area will follow below however, in principle, the proposal would comply with policies DP1, DP12 and DP16 of the Mid Sussex District Plan and policy 1 of the Balcombe Neighbourhood Plan.

Impact to heritage assets

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states *'In considering whether to grant planning permission (or permission in principle) 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 Mid Sussex District Plan relates to listed buildings and other heritage assets:

'Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- o A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- o Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- o Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- o Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*

o Special regard is given to protecting the setting of a listed building;
o Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric'.

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.

Paragraphs 212 - 216 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.

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

The application property is a former agricultural building that formed part of the historic farmstead associated with Bowders Farmhouse. Bowders Farmhouse lies to the north of the application site and is Grade II listed, dating originally from the 15th century. Following the submission of a Heritage Statement the Conservation Officer has confirmed that the buildings to which the application relates would not be considered curtilage listed. They would, however, be viewed as non-designated heritage assets.

No objection has been raised in principle with regards to the proposed development but concerns have been raised regarding certain aspects. With regards to the building works the concerns relate to the replacement of timber framed windows and door with upvc, the inclusion of French doors, the use of blockwork and the partial infilling of a door. Concern was also raised regarding the parking area, due to its lack of screening.

During the course of the application discussion has occurred regarding the landscaping and additional planting is now proposed. Whilst a hedge has been planted between the parking area and the road, an additional hedge is to be planted as well as along the northern fence line to bolster the screening. An

area of wildflower planting is proposed around the telegraph pole. A species mix for the planting has been provided and is considered to be appropriate for the area. As such it is considered that, on balance, the additional planting would appropriately soften what is currently an open area of gravel. Further planting is also shown in an existing block feed passage, which would comprise lavender. A condition can be attached to any consent to ensure that the planting is undertaken and, if it should fail within five years, be re-planted.

With regards to the works to the building, it is noted that the areas of blockwork are shown on the proposed elevations to be finished in dark stained, feather edged boarding. It is considered that the use of dark painted timber would be in keeping with farm buildings within this area.

The view of the Conservation Officer is that timber windows should be used on conversions of this type is shared, however it is noted that at the time of the application the upvc windows were finished in brown and white. Whilst their inclusion may not have been supported, it is considered that the black finish is an improvement. The agent has further advised that:

'The windows had been chosen for their very high quality appearance and specification which appears to any passers-by as black painted timber, not uPVC. In accordance with the DG53 of the Design Guide, the appearance of the windows retains character of the building and in our view would be an appropriate option to ensure the long-term quality and condition of the windows with the material less prone to deterioration'.

With regards to the impact of the development as a non-designated heritage asset, it is considered that the harms identified by the Conservation Officer in relation to the landscaping and the treatment of the elevations has now been addressed. Whilst the use of upvc windows is not considered to be sympathetic to the character of this former agricultural building, it is, however, considered to be an improvement when compared to the windows that had been installed at the time of the application. Whilst it is noted that the building has significance, in part given its historic relationship with the listed Bowders Farmhouse, it is considered that the harm remaining would not be so significant that would warrant the refusal of this application.

In addition the proposal would bring about a public benefit through the conversion of a building, which is otherwise considered to be acceptable, that would support employment opportunities within the area. This conversion is intended to support a range of local businesses and would have a positive economic benefits for Mid Sussex. It is therefore considered that this public benefit, when considering the impact to the setting of the listed Bowders Farmhouse, would outweigh the harm arising from the use of upvc windows in this instance.

The proposal thereby complies with Policy DP34 of the District Plan and the requirements of the NPPF.

Design and impact on the character of the surrounding area

Policy DP12 of the Mid Sussex District Plan states the following in relation to development within the countryside:

'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'.

The legal framework for AONBs, (also known as National Landscapes) in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'*. The Levelling-up and Regeneration Act (2023) amended section 85 of the CRoW Act, to create a new duty on relevant authorities to *'seek to further the purpose of conserving and enhancing the natural beauty of the area' when discharging their functions in AONBs*. A similar ethos is found within the High Weald Area of

Outstanding Natural Beauty Management Plan which is a material consideration in the determination of planning applications in the AONB.

Paragraph 189 of the NPPF 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.'

Policy DP16 of the Mid Sussex District Plan relates to the AONB and states that:

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

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

This is also reflected in policy 3 of the Balcombe Neighbourhood Plan.

Policy DP26 of the Mid Sussex District Plan relates to design and states:

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

- 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 DP27);*
- 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.'*

Policy 3 of the Balcombe Neighbourhood Plan echoes the ethos of this policy.

The Mid Sussex Design Guide requires all development to be of a high standard of design.

The proposed development seeks to undertake a change of use of the building, including some alterations, as well as the creation of an associated car park. Given that the works would be viewed within an existing farm complex, it is considered that the proposal would not form an isolated development within the landscape. Following the submission of further landscaping details, on balance, it

is considered that this would be sufficient to soften the appearance of the car parking area and the planting would break up the gravel area.

With regards to the works to the building no extensions are proposed, rather the works are focused around the openings to the building. As set out in the above assessment, on balance, the use of upvc is considered to be acceptable in this instance.

The development would therefore accord with the with the requirements of policies DP12, DP16 and DP26 of the District Plan, policy 3 of the Balcombe Neighbourhood Plan, the High Weald Management Plan and paragraph 189 of the NPPF.

Impact to neighbouring amenity

Policy DP26 of the Mid Sussex District Plan states:

'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 nearest neighbouring dwelling, Bowders Farmhouse, is situated to the north of the site and is set back from the highway by a deep garden. The side wall of this house forms part of the boundary between the properties and there is a window in this elevation. There is a projection to the rear of the house that also contains windows that face onto Bowders Farm. It is understood that windows facing southwards relate to habitable rooms. A smaller rear amenity space lies to the rear of the dwelling and abuts the boundary of the Farm.

No extensions are proposed that would result in a loss of light or outlook to this neighbour. The arrangement of the properties is such that no significant overlooking should occur.

It is acknowledged, however, that the intensification of use that would occur would have an impact in terms of noise and disturbance. The Environmental Protection Officer has commented that, given the proximity of the site to residential properties, the development has the potential to affect their amenity through noise disturbance. This would arise from construction, deliveries and operational use due to the wide range of potential future uses.

The application seeks to change the use of the building to a Class E use, however details have been provided as to the uses that are intended for the property. Whilst the gym and yoga studio could give rise to noise concerns, it is noted that this is to be located in the unit furthest from Bowders Farmhouse. Given the mix of uses proposed and the scale of the units it is considered that, in principle, these uses could be acceptable. Uses such as those within Class E(f) (day centre or nursery) would have a different impact associated with comings and goings and how the premises would be used and, as such, an unrestricted Class E usage would not be considered appropriate for this site. A planning condition can be used to restrict the use of the building to those that have been applied for.

Conditions have also been recommended by the Environmental Protection Officer, firstly in relation to construction hours. It is not clear if all of the works have been completed at the property, particularly regarding the repairs to the adjoining barn, and as such it is considered necessary for this condition to be attached to this consent.

A condition has also been recommended to secure a noise management plan, which would include subsequent occupations of the units. This would include details of operation, delivery and collection hours, details of loading and unloading as well as noise mitigation for noisy activities. Whilst, as set out above, it is considered that in principle the proposed uses would be acceptable, there are potentially aspects of some 'quieter' uses, such as a food and drink establishment, that may give rise to other issues such as early deliveries. Given the proximity of Bowders Farmhouse, it is considered reasonable and necessary for this condition to be included to ensure that any future occupiers would not give rise to significant harm to this neighbour's amenity.

Highways impact

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.

Paragraphs 115 and 116 of the NPPF state:

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

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.*

116. 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, following mitigation, would be severe, taking into account all reasonable future scenarios'.

The Highways Authority have commented on the proposed development. As submitted, the scheme showed provision for 28 car parking spaces. This was advised as being acceptable but it was noted that this area could accommodate landscaping and the associated loss of one or two parking spaces would not be viewed as an issue.

With regards to the access it is intended to use the existing arrangement. The Highways Authority consider that the proposed use is unlikely to generate a significant increase in traffic. Additionally, the existing access is wide enough for two vehicles to pass and there is reasonable visibility in both directions.

During the course of the application the scheme has been amended to include landscaping. As such it is therefore considered necessary to include the recommended condition for a parking plan to be submitted, so that the final arrangement is clear.

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 in this planning application.

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.

The potential effects of the proposed development are incorporated into the overall results of the transport model prepared for the Mid Sussex Transport Study, which indicates there would not be an overall impact on 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 is comprises development below the de-minimis threshold 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 Balcombe 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

The proposal would support the economic aims of local and national policy through supporting employment opportunities within the area. Following the submission of revised plans and further information it is considered that, on balance, the development would not have a harmful impact on the character of the countryside and the High Weald Area of Outstanding Natural Beauty. The development would have some impact on heritage assets, however this would be limited and public benefits would be gained as a result of the proposal. Conditions can also be imposed on any consent to secure the landscaping as well as to ensure that there would not be a harmful impact on neighbouring amenity or with regards to parking. The proposal would therefore comply with policies DP1, DP12, DP16, DP17, DP21 and DP26 of the Mid Sussex District Plan and policies 1 and 3 of the Balcombe Neighbourhood Plan.

Decision: Permission

Case Officer: Caroline Grist