

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0111	Case Officer:	Stefan Galyas
Application Type:	Full Application		
Proposal:	Demolition of 3no. existing stable buildings and the construction of a detached three-bedroom dwelling - Self Build		
Site:	Old Mill House, Cowfold Road, Bolney, Haywards Heath, West Sussex, RH17 5SE, ,		
Validation Date	19 Jan 2026	Overall Expiry Date:	23 Feb 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	13 Mar 2026
Target Date:	16 Mar 2026	Recommending Officer Signature:	<i>Stefan Galyas</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Joanne Fisher</i>	Date:	13 Mar 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0111

Old Mill House, Cowfold Road, Bolney, Haywards Heath, West Sussex, RH17 5SE,
Demolition of 3no. existing stable buildings and the construction of a detached three-bedroom dwelling - Self Build
Mr And Mrs Watts

SUMMARY OF REPRESENTATIONS

There were no letters of representation received in response to the proposed development.

SUMMARY OF CONSULTEES

Conservation Officer: *'This will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, the proposal will be considered to result in less than substantial harm, through impact on setting, to Old Mill House and to the curtilage listed barn. I would place this harm at around the mid point of that scale due to the proximity and visual prominence of the development. In terms of the remaining historic buildings within the farmstead, there will also be a degree of less than substantial harm to their special interests (if regarded as curtilage listed) or harm to their significance as NDHAs.'*

Mid Sussex District Council Drainage: No objection.

District Licensing: *'Whilst we acknowledge that the development is small scale and the development site offers little suitable habitat for GCN, due the close proximity of the pond to the south as well as a few others in the landscape, it is considered that without mitigation the proposals have the potential to impact individual newts. Therefore, it is recommended that a Precautionary Working Methods Statement (PWMS) is written by a suitably qualified ecologist and submitted to the planning authority for approval or secured via a compliance condition.'*

Place Services Ecology: No objection.

West Sussex County Council Highways: *'In summary, 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 116), and that there are no transport grounds to resist the proposal.'*

West Sussex County Council Public Rights of Way: No objection.

Mid Sussex District Council Street Naming and Numbering: *'Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval in respect of the planning applications listed below as these applications will require address allocation if approved.'*

Environmental Protection: No objection.

TOWN/PARISH COUNCIL OBSERVATIONS

Parish Council: *'Objection as it is a new residential accommodation in an unsustainable rural location, contrary to policies DP6, DP12 and DP15 of the District Plan and policy BOLBB1 of the Bolney Neighbourhood Plan. There is no access to alternative modes of transport, shops or services, and any future resident is likely to be heavily reliant on private cars to meet their daily needs, contrary to policy DP21 of the Mid Sussex District Plan.'*

INTRODUCTION

The application seeks planning permission for the demolition of 3 existing stable buildings and for the development of a new detached two-storey, three bedroom dwelling.

RELEVANT PLANNING HISTORY

10/00927/FUL - Conversion of workshop outbuilding in to annex. Permission 19.05.2010.

10/00928/LBC - Conversion of workshop outbuilding in to annex. Permission 19.05.2010.

10/00927/NONMAT - Conversion of workshop outbuilding in to annex. Permission 29.06.2010.

SITE AND SURROUNDINGS

The application relates to land north of the Old Mill House where a number of existing single storey timber-built buildings are positioned. There is an existing timber fence to the south-west of the site which provides access to the application site. The site is skirted by a track to its western boundary where a number of mature trees are also positioned. A public right of way is also located further to the west of the site. The site is generally rural in character with some sporadically placed dwellings and buildings positioned to the south.

With regard to policy constraints, the site is not located within any defined settlement boundary. The application site is located nearby the grade II listed Old Mill House and the curtilage listed barn which are located to the south.

APPLICATION DETAILS

The development proposal seeks planning permission to demolish the existing timber barns on site and in their place develop a new two-storey, three-bedroom dwelling. The proposed dwelling would measure at approximately 13m in length, 6.9m in width, have an eaves height of 3.6m at its highest point and a ridge height of 7m. Proposed external materials would comprise render, tile hanging and weatherboarding to the walls, plain clay roof tiles and triple glazed windows. A new air source heat pump would also be developed as part of the proposed development.

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,*
- 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 Bolney 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:

DP4: Housing
DP5: Planning to Meet Future Housing Need
DP6: Settlement Hierarchy
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
DP28: Accessibility
DP29: Noise, Air and Light Pollution
DP30: Housing Mix
DP34: Listed Buildings and Other Heritage Assets
DP37: Trees, Woodland and Hedgerows
DP38: Biodiversity
DP39: Sustainable Design and Construction
DP41: Flood Risk and Drainage

Site Allocations DPD

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

No relevant policies.

Neighbourhood Plan

Bolney Neighbourhood Plan (September 2016)

Relevant policies:

Policy BOLBB1 - Built Up Area Boundary
Policy BOLD1 - Design of New Development and Conservation
Policy BOLT1 - Transport Impact of Development

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) - Special regard to be had to the preservation of a listed building or its setting.

Other Material Considerations

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

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

Relevant policies:

DPS1 - Climate Change
DPS2 - Sustainable Design and Construction
DPS4 - Flood Risk and Sustainable Drainage
DPN4: Trees, Woodland and Hedgerows
DPN6 - Pollution
DPN7- Noise Impacts
DPB1 - Character and Design
DPB2 - Listed Buildings and Other Heritage Assets
DPC6: Ashdown Forest SPA and SAC
DPT4 - Parking and Electric Vehicle Charging Infrastructure
DPH1 - Housing
DPH3 - Sustainable Development Inside the Built-Up Area
DPH7 - Housing Mix
DPH11 - Dwelling Space Standards
DPH12 - Accessibility

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 National Planning Policy Framework (NPPF) 2024 is a material consideration.
Paragraphs 2, 8, 9, 11, 12, 39, 48, 115-117, 131, 134, 135, 139, 207, 208, 209, 210, 212-215, 216, 219 & 220.

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

Paragraph 12 of the NPPF states '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'

Paragraph 39 of the NPPF states '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

National Design Guide/Code

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

Technical Housing Standards - Nationally Described Space Standards (March 2015)

ASSESSMENT

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

- Principle
- Impact on Heritage Assets, Character and Design
- Impact on Neighbouring Amenities
- Trees Impact
- Impact on the Future Occupants of the Development
- Flood Risk and Drainage
- Highways, Parking and Public Rights of Way Impact
- Sustainability
- Self Build
- Other Matters
- Ashdown Forst
- Biodiversity Net Gain
- Planning Balance and Conclusion

Principle:

The application site is designated as being within the countryside within the countryside. Policy DP12 of the District Plan refers to the protection of the countryside and 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.'*

The proposed development would develop one new dwelling on site which is not for agricultural purposes. Policy DP6 of the Mid Sussex District Plan notes:

'The growth of settlements will be supported where this meets identified local housing, employment and community needs. Outside defined built-up area boundaries, the expansion of settlements will be supported where:

- The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
- The site is contiguous with an existing built up area of the settlement; and*
- The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.*

The developer will need to satisfy the Council that:

- The proposal does not represent an underdevelopment of the site with regard to Policy DP26: Character and Design; or*

- A large site is not brought forward in phases that individually meet the threshold but cumulatively does not.'

The application site is not located within any defined settlement boundary and is not contiguous with any defined settlement boundary. The application site is set approximately 1km away from the nearest settlement boundary at Bolney to the east which is defined as a category 3 settlement.

In association with Policy DP12 is Policy DP15 of the District Plan which relates to new homes in countryside locations and states as follows:

'Provided that they would not be in conflict with Policy DP12: Protection and Enhancement of the Countryside, new homes in the countryside will be permitted where special justification exists. Special justification is defined as:

- Where accommodation is essential to enable agricultural, forestry and certain other full time rural workers to live at, or in the immediate vicinity of, their place of work; or*
- In the case of new isolated homes in the countryside, where the design of the dwelling is of exceptional quality and it enhances its immediate setting and is sensitive to the character of the area; or*
- Affordable housing in accordance with Policy DP32: Rural Exception Sites; or*
- The proposed development meets the requirements of Policy DP6: Settlement Hierarchy.'*

The proposed dwelling is not considered to benefit from any 'special justification' in this instance.

There are no other relevant policies in the District Plan, any other development plan documents such as the Site Allocations document or the Neighbourhood Plan that would explicitly support the residential development of this site. The principle of the application conflicts with the development plan, in terms of what type of development is allowable under Policies DP6, DP12 and DP15 of the District Plan.

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 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.

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.

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.

Policy BOLBB1 of the Bolney Neighbourhood Plan states that:

'The development of Bolney shall be focused within the Built-up Area Boundary as identified on the Proposals Map and on Map 2.

Development proposals will ordinarily be supported within the Built-up Area Boundary subject to compliance with other policies in the Neighbourhood Plan.

Outside the Built-up Area Boundary, development will not be permitted unless:

it is supported by a specific policy elsewhere in the Neighbourhood Plan; or the proposal is in accordance with other planning policies applying to the Parish

it relates to necessary utilities infrastructure where no reasonable alternative location is available; or it is necessary for the purposes of agriculture, or some other use that has to be located in the countryside; and

it maintains or where possible enhances the quality of the rural and landscape character of the parish; and

it takes account of the economic and other benefits of the best and most versatile agricultural land and seeks to use areas of poorer quality land in preference to that of higher quality.'

It is not considered that the proposed dwelling would be subject to any of the exceptions outlined within Policy BOLBB1 and the development would constitute an isolated development within the open countryside. This Policy is considered to attribute moderate weight for similar reasons outlined for DP12 of the District Plan.

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.

Impact on Heritage Assets, Character and Design

With regard to the setting of the listed building, DP34 requires:

'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.'*

Paragraph 207 of the NPPF requires the applicant to describe the significance of any heritage asset affected. Significance is defined in Annex 2 of the NPPF as *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'* The applicant has provided a Heritage Statement in support of the application which assesses the proposals impact on the relevant heritage assets. Therefore, this requirement of the NPPF is considered to have been met.

Paragraph 208 of the NPPF requires the Local Planning Authority to identify and assess the particular significance of any heritage asset that may be affected and take this into account when considering the impact of a proposal.

The listed building is considered to be significant in heritage terms by virtue of its designation and this significance is likely to arise from its historical, aesthetic (fortuitous) value and historical (illustrative) value.

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 - 215 of the NPPF states:

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

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

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

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

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

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

Policy BOLD1 of the Neighbourhood Plan notes among other matters that:

'Planning permission for new development will ordinarily be permitted subject to the following criteria: It is designed to a high quality which reflects Bolney's rural nature and responds to the heritage and distinctive character by way of;

height, scale, spacing, layout, orientation, design and materials of buildings, and the scale, design and materials of the public realm (highways, footways, open space and landscape); and

It does not have an unacceptable impact on the setting of any heritage asset; and

It respects the natural contours of a site and protects and sensitively incorporates well-established natural features of the landscape including trees, species-rich hedgerows and ponds within the site'

Policy DP12 of the District Plan requires the intrinsic character and beauty of the countryside to be protected. Development will only be permitted in the countryside provided that it maintains or enhances the quality of the rural and landscape character.

Policy DP26 of the District Plan 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 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'

Policy BOLE2 of the Neighbourhood Plan states that:

'Outside the Built-up Area Boundary, development must demonstrate that it does not have an unacceptable impact on the landscape. In particular, development proposals must demonstrate how they have addressed the requirements of BOLD1 of the Neighbourhood Plan.'

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 listed building or its setting in accordance with the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application site is considered to be set in a verdant setting with open fields visible to the north, east and west with some mature tree planting nearby. The existing timber-built sheds currently on site are considered to be of an overall limited size and scale. There is some variance in roof forms, including a pitched roof and a cat slide roof form. The existing timber exteriors and relatively low massing are considered to help the buildings assimilate well into the locality.

A new two storey, three-bedroom dwelling would be developed on site in place of the existing sheds. A new driveway area would be added and would feature permeable paving. Further front and rear garden amenity space would be added to serve the proposed dwelling.

It is considered that the proposed dwelling would constitute an urbanising feature within an otherwise verdant and rural setting. The new front and rear garden amenity space would likely domesticate the existing field and allow for further domestic paraphernalia to be added over time. This would therefore fail to maintain or enhance the prevailing rural character of the area.

The Council's Conservation Officer was consulted in response to the proposed development and noted in their response that the rural setting of Old Mill House and the curtilage listed barn makes a strong positive contribution to their special interest. The removal of the existing stables was not considered to be contentious due to their likely modern age and limited architectural and historical merit. However, the development of the new dwelling is considered to adversely impact views from the northern side of the heritage assets. In turn, this will impact the views from nearby public rights of way and paths regarding how the heritage assets are appreciated. Accordingly, it is considered that the proposal would inflict less than substantial harm towards the setting of the grade II listed building and curtilage listed building and this level of harm would be positioned to the midpoint of the scale. These comments by the Conservation Officer are agreed with by the Case Officer.

Where the harm would be less than substantial, in terms of the NPPF, the criteria set out in paragraph 215 of that document would apply. This states that *'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.'* This is the balancing exercise that must be undertaken by the decision maker, ensuring that considerable importance and weight is given to the less than substantial harm to the heritage asset that has been identified.

The proposed development would be a self-build dwelling and therefore would constitute a benefit in contributing to the delivery of self build dwellings. This benefit is tempered by the fact that it is only one unit. Some local employment may be created temporarily during the construction phase of the development, however this is considered to attribute limited weight. It is not considered that the proposal would lead to any other discernible public benefits.

Overall, it is considered that the proposal would introduce an urbanising feature which would domesticate an otherwise rural and verdant field. The proposal would cause less than substantial harm which would not be sufficiently outweighed by public benefits arising from the proposal. Accordingly, the proposal would conflict with the provisions of policies DP12, DP26 and DP34 of the District Plan, Policies BOLD1 and BOLE2 of the Neighbourhood Plan, Paragraph 215 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Neighbouring Amenities

In terms of impact upon neighbouring amenities, Policy DP26 of the District Plan in part 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 DP29);'

The proposed new dwelling would be set at a substantial distance from the nearest neighbouring properties to the south in excess of circa 40m in order to overcome a significant overlooking or overbearing impact.

In light of the above, it is considered that the proposed development would result in an acceptable impact in terms of neighbouring amenities.

Impact on Trees

In relation to new developments impact on 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.'

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose'

The proposed development would be set within 15m of existing trees both to the north and west of the site. The trees to the west of the track nearby the application site have canopies which stretch over within a close proximity to the existing western-most shed with the cat slide roof. Further details regarding how these trees would be protected through an arboricultural impact assessment and tree protection plan have not been provided. As such, the proposal is considered to be supported by insufficient information in this regard.

New tree planting has been shown on the proposed site plan, however details of the proposed species has not been provided. Accordingly, the proposed development is considered to be supported by insufficient information in this regard.

Impact on the Future Occupiers of the Development

Policy DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage.

A minimum floor area of 93m² with 2.5m² of built in storage is recommended for a two storey, five-bedroom dwelling with five bed spaces.

A total of 121m² internal floor space would be included as part of the development proposal. This is considered to be sufficient in demonstrating compliance with the Nationally Prescribed Space Standards.

Accordingly, the proposal would meet the requirements of the Technical Housing Standards and therefore comply with DP27 of the District Plan.

Flood Risk and Drainage

Policy DP41 of the District Plan notes 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 Council's Drainage Engineer has been consulted in response to the proposed development and noted that the site is located within flood zone 1 and is at a low fluvial flood risk. The risk of surface water flooding is noted at being at a very low risk within the climate change range of 2040-2060.

It was also commented that infiltration testing would be required to ensure that the drainage hierarchy is followed. The proposed foul and surface water drainage strategy was considered to be acceptable

subject to appropriate design. Accordingly, a pre-commencement condition requiring these further details was recommended.

As such, the proposed development is considered to result in an acceptable flood risk and drainage impact and would comply with Policy DP41 of the District Plan.

Highways, Parking and Public Rights of Way Impact

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe.

Policy DP21 of the District Plan requires development proposals to protect the safety of road users and pedestrians. It states:

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- o A high quality transport network that promotes a competitive and prosperous economy;*
- o A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- o Access to services, employment and housing; and*
- o A transport network that feels, and is, safer and healthier to use.*

To meet these objectives, decisions on development proposals will take account of whether:

- o The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- o Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- o The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- o 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;*
- o Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- o The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- o The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- o The scheme protects the safety of road users and pedestrians; and*
- o The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.'*

Policy BOLT1 of the Neighbourhood Plan among other matters states that:

'Planning permission will be granted for development proposals where they meet the following criteria, subject to compliance with the other policies:

- a) That any additional traffic generated by the proposal has an acceptable impact on the Parish's pedestrians, cyclists, road safety and will not lead to increased congestion; and*
- b) Vehicular, cyclist and pedestrian access into, within and exiting any development is safe and has adequate visibility'*

In response to the proposed development, the Council's Highways Engineer commented that the proposal would not likely cause a highways capacity concern. The 2 proposed parking spaces would satisfy the demand generated by a property of this size and the spaces would meet the minimum West

Sussex County Council parking requirements. As such, no objection was raised towards the development proposal on highways grounds.

Notwithstanding this, the proposed development would be sited outside of any settlement boundary and the nearest settlement of Bolney to the east would be circa 1km away. It was noted in the Highways Engineer's response that given the rural location of the site, cycling may not be a desirable option. Furthermore, there would be no public footpath for pedestrians to use on the lane moving south as well as along Cowfold Road. Accordingly, the proposal is not considered to be suitable for pedestrians and would likely be highly reliant on the private motor vehicle.

Furthermore, West Sussex County Council's Public Rights of Way Officer was consulted in response to the proposal. No objection was raised as the proposed changes would not necessarily impact the local footpaths.

Accordingly, whilst the proposal would have an acceptable impact on highways safety and the public rights of way, the proposal would not be suitably sited to minimise the need for travel. Accordingly, the proposal would fail to comply with the provisions of DP21 of the District Plan.

Sustainability of the Building

Policy DP39 of the District Plan relates to Sustainable Design and Construction and requires development proposals to improve the sustainability of development. It 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'*

There would be a number of sustainable measures implemented as part of the development proposal. This would include timber from a sustainably managed source, high levels of thermal retention, an air source heat pump, low energy light fittings and passive solar orientation.

Accordingly, it is considered that the proposed development will be compliant with Policy DP39 of the District Plan.

Self Build

The proposal has been submitted to be a self-build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

The Local Planning Authority must now grant 'suitable development permissions' in respect of enough serviced plots of land to meet the demand for self-build and custom housing building in the authority's area.

Policy DP30 of the District Plan relates to housing mix and states:

'To support sustainable communities, housing development will:

o provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;

o meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and

o on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurable with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.

o If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council. Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans)'.

The proposal to provide a self-build home is a material consideration in the determination of the application which is supported by planning policy. This provides a positive benefit to the proposed development.

It is considered, however, that although the proposal would result in a net contribution towards the Council's self-build demand, this in itself would not provide a justification for the proposal in its countryside location. As outlined within the dismissed appeal (APP/D3830/W/23/3316817) for an outline single self build dwelling outside a settlement boundary, it was found that the addition of a self build dwelling did not overcome concerns regarding the sites countryside location.

Other Matters

The Council's Environmental Health Officer has been consulted in response to the proposed development and noted that there may be potential for some localised contamination arising from leaks or spillages from past activities on site. As such a precautionary unexpected contamination discovery condition was recommended, should planning permission be granted.

The proposal would be located nearby a pond to the south of the site as well as others within the wider landscape. The District Licensing Officer has commented that the proposal is therefore considered to have the potential to impact individual newts and a precautionary working method statement was recommended to be secured through a compliance condition.

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 self-build development which 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 Bolney 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.

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.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP27, DP30 and DP39.

Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP4, DP6, DP12, DP15, DP26, DP34 and DP37 of the District Plan and Neighbourhood Plan Policies BOLBB1 and BOLD1.

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

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

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

The proposed development would be sited outside of any defined settlement boundary, and the future development would likely be reliant on a private motor vehicle. Accordingly, the proposal is not considered to be set within a sustainable location. The proposed development is considered to result in the domestication of an otherwise verdant location and the addition of an urbanising feature. In turn, this would result in less than substantial harm towards the grade II listed Old Mill House and nearby heritage assets and how these are appreciated from nearby views. The proposal would not provide sufficient discernible benefits to outweigh the less than substantial harm inflicted towards the heritage assets. Furthermore, the application is not supported by sufficient information regarding the proposed trees and impact on nearby mature trees.

These factors weigh heavily against the proposed development.

On the positive side the provision of a net increase in 1 No. dwelling on the site will make a limited, but positive, contribution to the district's housing supply of self build dwellings. 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 have limited weight.

The proposal would result in a neutral impact with regard to the nearby public rights of way, impact on the Ashdown Forest and drainage.

In weighing up these issues, when taken together, it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal.

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

Decision: Refusal

Case Officer: Stefan Galyas