

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2569	Case Officer:	Andrew Horrell
Application Type:	Full Application		
Proposal:	Proposed erection of two new dwellings and associated landscaping.		
Site:	Land North Of Jeremys Cottage, Jeremys Lane, Bolney, Haywards Heath, West Sussex, RH17 5QE, ,		
Validation Date	27 Nov 2025	Overall Expiry Date:	20 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	28 Jul 2026
Target Date:	22 Jan 2026	Recommending Officer Signature:	Andrew Horrell

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Stephen Ashdown	Date:	30 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2569

Land North Of Jeremys Cottage, Jeremys Lane, Bolney, Haywards Heath, West Sussex, RH17 5QE,

Proposed erection of two new dwellings and associated landscaping.

Mr James Lewis

SUMMARY OF REPRESENTATIONS

None received

SUMMARY OF CONSULTEES

MSDC Drainage: No objection on drainage grounds, subject to condition.

MSDC Street Naming and Numbering: Please can you ensure that the street naming and numbering informative is added to any decision notice granting approval

MSDC Tree Officer: No objection. Please condition adherence to relevant tree documents.

Essex CC Place Services Ecology: We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

WSSC Highways: The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal. Subject to condition.

West Sussex Naturespace: Whilst we are in agreement that the development could be covered by a precautionary approach, due to the proximity of nearby ponds, we would recommend that a full Precautionary Working Methods Statement (PWMS) is written by a suitably qualified ecologist and submitted to the Local Planning Authority for approval prior to determination or secured in a condition.

MSDC Environmental Health: Acceptable in noise terms now, so I wouldn't object.

PARISH COUNCIL OBSERVATIONS

BPC objects on the grounds that:

The proposed properties would be located outside the Built Up Area Boundary of the village and therefore the proposals conflict with Policies DP6 and DP12 of the MSDC District Plan and with Policy BOLBB1 of the Bolney Neighbourhood Plan.

The site is within the AONB. The proposals would not conserve or enhance the natural beauty of the High Weald AONB and therefore the proposals do not comply with Policy DP16 of the MSDC District Plan or Policy BOLE2 of the Bolney Neighbourhood Plan.

The proposals would result in the creation of new dwellings in the countryside in an unsustainable location and are therefore unsupported by Policy DP15 of the MSDC District Plan. Further, the rural location of the site and the poor bus service will result in unsustainable transport patterns arising from the increase in private car movements to and from the site in conflict with Policy DP21 of the MSDC District Plan and the aims of the NPPF.

INTRODUCTION

Planning permission is sought for the erection of two new dwellings and associated landscaping.

RELEVANT PLANNING HISTORY

04/00929/FUL - Use of land for the keeping of horses and erection of new timber stable facility comprising stables, tack room, hay bay and area of hardstanding. (approved)

05/01068/FUL - Proposed equestrian sandschool for private stables. (approved)

SITE AND SURROUNDINGS

Jeremys Cottage is a large detached dwelling with large garden to the north which slopes gently north to south and west to east.

To the north of the site is fields with woodland beyond, to the south of the site is the garden with dwelling beyond, to the west of the site is an access gate and woodland with highway beyond and to the east is the field with close boarded fencing and woodland to the highway with motorway beyond.

The site is outside of the built up area of Bolney and within the High Weald National Landscape.

APPLICATION DETAILS

Dwelling 1 (Oakwood House) is the northernmost dwelling is a 4-bedroom dwelling and measures some 20m in maximum depth, 29m in maximum width with a height to eaves of 4.5m and an overall height of 8.65m. The ground floor serves a living room, dining room, kitchen, bedroom 4 with en-suite, WC, entrance hall, lift, hall, garden storage, pantry, utility room and snug. The first floor serves bedrooms 1-3 (bedrooms 1 and 2 served by dressing room and en-suite), gym, home office, shower room, bathroom, a cinema room is above the garage. the home office is served by a rear balcony. A games room, store, lobby, store and laundry/drying room within the loft.

The attached garage measures some 6.6m in depth, 10.4m in width with a height to eaves of 3m and an overall height of 6.15m.

Dwelling 2 (Upper Paddocks) is the dwelling to the north of Jeremys Cottage is a 4-bedroom dwelling and measures some 18m in maximum depth, 15m in width with a height to eaves of 5m and an overall height of 8.75m. Conservation rooflights are proposed to the front of the dwelling and side(southern) roofslope, Solar panels are proposed on side southern elevation. This serves a living room, kitchen/dining room, bedroom 4 with en-suite, entrance hall, cloakroom, pantry, utility room and library study on the ground floor, The first floor serves bedrooms 1 - 3 with en-suites, gym, multi media room.

The multi media room is served by a rear balcony. Two pitched roofed dormers on the front elevation serve the dressing area and study area serving bedroom 1 with two pitched roofed front dormers serving the loft. Conservation rooflights serve the side and rear elevations with solar panels on the southern side elevation.

The attached double garage measures some 6.7m in depth, 7.8m in width with a height to eaves of 2.5m and an overall height of 6.8m. Two pitched roofed dormers at in front roofslope which measures some 2.4m in depth, 1.4m in width with a height of 0.95m and an overall height of 2.1m. Conservation rooflights are proposed on the rear roofslope.

Both dwelling served by back gates from garden to serve London Road.

Landscaping includes permeable resin/hoggin and setts to the front of the house, sandstone paving to the rear, various planting of hedging to the boundaries, trees with rear lawns.

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
- 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
- DP27: Dwelling Space Standards
- DP28: Accessibility
- DP29: Noise, Air and Light Pollution
- DP30: Housing Mix
- 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 BOLE1 - Protect and Enhance Biodiversity
Policy BOLE2 - Protect and Enhance the Countryside
Policy BOLH2 - Infill and Backland Development
Policy BOLT1 - Transport Impact of Development
Policy BOLT3 - Off Street Parking provision for new developments

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 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:

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
DPC1 - Protection and Enhancement of the Countryside
DPB2 - Listed Buildings and Other Heritage Assets
DPC4 - High Weald Area of Outstanding Natural Beauty
DPC6 - Ashdown Forest SPA and SAC
DPT4 - Parking and Electric Vehicle Charging Infrastructure
DPH1 - Housing
DPH2 - Sustainable Development Outside the Built-Up Area
DPH7 - Housing Mix
DPH11 - Dwelling Space Standards
DPH12 - Accessibility

Supplementary Planning Documents (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.

The High Weald Area of Outstanding Natural Beauty Management Plan 2024-2029

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework (NPPF) 2024 is a material consideration. Paragraphs 8, 11, 12, 39, 115, 116, 117, 131, 134, 135, 189, 231 and 232 are considered to be relevant to this application.

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

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 two new dwellings 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 dwellings are 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.

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).

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 dwellings would be subject to any of the exceptions outlined within Policy BOLBB1 and the development would constitute an isolated development within the 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.

Design and 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 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 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.'

Policy BOLH2 of the Bolney Neighbourhood Plan specifically relates to backland/infill development and states:

All residential infill and backland development within the built-up area of Bolney should reflect the character of the surrounding area and protect the amenity of neighbours. It should reinforce the characteristics and features of the street by reflecting the scale, mass, height and form of its neighbours.

Development proposals will be expected to:

- o ensure that they do not lead to over-development of a site; and*
- o avoid the appearance of cramming; and*
- o demonstrate that development is of a similar density to properties in the immediate surrounding area (this is particularly the case for applications for two or more dwellings on a site currently or previously occupied by a single property); and*
- o ensure that new buildings do not adversely affect neighbouring properties by materially reducing the amount of daylight available through windows or by materially obstructing the path of direct sunlight to a garden or window; and*
- o ensure that it does not unacceptably reduce the level of existing private amenity space provision for existing residential properties; and*
- o provide appropriate parking and access arrangements, both for the new development and existing properties where they would be affected'.*

The planning Statement states that the site itself contains some limited built form along its south-western boundary. It is partly greenfield, with the northern section comprising agricultural land, while the southern section is partly hardstanding associated with the site's former equestrian use.

The proposal for two houses would represent isolated development within the countryside because whilst they are to the north of Jeremys Cottage within its garden, they are no dwellings adjoining the site to the north.

The proposed dwellings are well spaced within the site, and are of style which characterises by the streetscene i.e two storey detached dwellings within fair sized plots.

Both dwellings are matching in style and the use of face brickwork, clay roof tiles and clay hanging tiles are in keeping with the rural locality. A new driveway area would be added to serve each dwelling which 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 a suburbanising feature within an otherwise verdant and rural setting. The new front and rear garden amenity space would likely domesticate the existing greenspace 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.

Overall, it is considered that the proposal would introduce a suburbanising feature which would domesticate an otherwise rural greenspace. Accordingly, the proposal would conflict with the provisions of policies DP12 and DP26 of the District Plan, Policies BOLD1 and BOLH2 of the Neighbourhood Plan and relevant paragraphs of the NPPF.

Impact on the High Weald Area of Outstanding Natural Beauty

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

Policy BOLE2 of the Bolney Neighbourhood Plan states:

'Major development which has an unacceptable impact on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty shall be refused, unless it can be demonstrated that there are exceptional circumstances and that it is in the public interest'

As noted above It is considered that it is an isolated location and will infill a gap which contributes to the open and spacious character of the locality.

While it is unlikely that views of the development proposal would be prominent from the west, given the nature of the proposal it completely alters the character from greenspace to a domestic more suburban appearance and given that this is National Landscape, it has the highest status of protection. It is considered that by reason of its scale and location of the proposed development, it would detract from the visual qualities and essential characteristics of the National Landscape.

For the reasons outlined above, and given that the development proposal would be visible in surrounding views, it is not considered to conserve the natural beauty of this national protected area and would be contrary to DP26, DP16, BOLE2 and national policy provisions within the NPPF.

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);'

Policy BOLD1 of the Neighbourhood Plan states that development proposals should *'not result in unacceptable levels of light, noise, air or water pollution'*.

In cases where there is a discrepancy between District and Neighbourhood Plan policies, legislation states that greater weight should be given to the Plan (and policy) that has been adopted at a later date.

In this instance the Bolney Neighbourhood Plan was made in September 2016 and the Mid Sussex District Plan adopted in March 2018. As such, it is considered that greater weight should be given to the District Plan policy, DP26, with the test being whether the proposal would result in significant harm to neighbouring amenities.

House 2 (Upper Paddocks) is some 30m from Jeremys Cottage, House 1 (Oakwood House) is some 15m from house 2.

Given the relationship between the dwellings, impact on light and outlook is not deemed significantly harmed.

In terms of overlooking, Upper Paddocks has limited first floor opening on the southern elevation towards Jeremys Cottage therefore the overlooking will not be significantly harmful. In terms of the northern elevation looking towards Oakwood House there are first floor side windows serving a gym, bedroom 3 and its en-suite. Therefore there will be a degree of overlooking, however it is noted that Oakwood House has no first floor side openings facing Upper Paddocks. Given orientation of the two dwellings whilst there will be overlooking from rear windows towards the respective gardens, but they will not be directly overlooking and only from oblique angles. Therefore, significant harm is not deemed to be caused.

Therefore, in terms of neighbouring amenities, the proposal is not deemed to be significantly harmful and complies with DP26 of the Mid Sussex District Plan and BOLD1 of the Bolney Neighbourhood Plan 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 tree officer deems the proposal acceptable subject to condition, the planning officer sees no reason to disagree.

Therefore, the proposal is deemed to comply with DP37 of the Mid Sussex District Plan.

Impact on 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 117m² with 3m² of built in storage is recommended for a two storey, four bedroom dwelling with eight bed spaces.

The dwellings are sufficient in demonstrating compliance with the Nationally Prescribed Space Standards.

The dwellings are some 70-75m from the A23.

In terms of noise impact DP29 of the Mid Sussex District Plan states:

'Noise sensitive development, such as residential, will not be permitted in close proximity to existing or proposed development generating high levels of noise unless adequate sound insulation measures, as supported by a noise assessment are incorporated within the development'

Following the submission of a Noise Impact Assessment and an altered internal layout to comply with the ProPG approach, our Environmental Health team confirmed that they would not object. The planning officer has no reason to disagree.

Accordingly, the proposal would meet the requirements of the Technical Housing Standards and noise impact and therefore complies with policies DP27 and DP29 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 submitted drainage strategy and details have been deemed acceptable to our drainage consultants subject to condition. The planning officer agrees and believes that the proposal complies with DP41 of the Mid Sussex District Plan.

Highways and Parking Provision

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'*

WSCC Highways have confirmed that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network with no transport grounds to resist the proposal. The planning officer has no reason to disagree.

WSCC Parking standards guidance states that 4 bedroom dwellings in this locality should provide at least 2.7 off road parking spaces. In terms of parking provision both dwellings have two parking spaces within the garages and parking for at least one more dwelling within the driveway. They both therefore provide sufficient off street parking to comply with WSCC standards.

The proposal is therefore deemed to comply with DP21 of the Mid Sussex District Plan, West Sussex County Council Guidance on Parking at New Developments and the relevant paragraphs of the NPPF.

Sustainability

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 the following measures:

Homes to be built to Passivhaus airtightness and insulation standards:

- Possibility for Passivhaus standards - Energy required to heat passive home is 90% lower than that of other buildings
- Zero Carbon Sustainable technologies: GSHP Source Heat Pump , Solar Panels and MVHR whole house ventilation system.
- The proposed insulation is significantly better than the default building regs compliance.
Ground 0.13 (Part L compliance 0.13)
External Walls 0.15 (Part L compliance 0.18)
Roofs 0.11 (Part L compliance 0.13)
Windows 0.10 (Part L compliance 0.14)
- Use of long life materials

- Water fittings with each house will be specified with the following (or similar) flow rates to meet a water consumption of 105 l/p day
- Adaptable nature of the dwellings

Accordingly, it is considered that the proposed development would comply with Policy DP39 of the District Plan.

In terms of location sustainability, policy DP21 seeks to ensure that a scheme is sustainably located to minimise the need for travel and appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car are explored, and taken up. It is considered that the proposal would not be sustainably located. Jeremys Lane is a private narrow lane with no pavements and no lampposts. It would not be safe to walk along this road in the dark.

Whilst it is noted that the rear access serves London Road which is served by lamp posts, whilst the petrol station which has limited provision is close, alternative forms of transport are some 150m away (which is northwards only) or 700m (southwards only), with the built up area of Bolney significantly further as noted above.

It is therefore more likely that the occupiers of any new dwelling would be reliant on a car.

In terms of the locational sustainability, it is considered that the application is contrary to policy DP21 of the Mid Sussex District Plan.

Ecology

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and- Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*
- *Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks. Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'*

Paragraph 193 of the NPPF states:

'When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not*

normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

The Council's Ecologist consultants have been consulted on the application and considered that the proposal is acceptable on ecology terms subject to conditions. This is agreed with by the officer.

In terms of Great Crested Newts, a pre-commencement condition has been agreed for a full precautionary methods statement to be submitted in line with Naturespace consultee comments.

It is therefore considered that this proposal would also comply with the aims of policy DP38 of the Mid Sussex Plan and the NPPF.

Other Matters

WSCC Fire Rescue Service Water and Access whilst not consulted have commented on the application. They have suggested the following conditions:

- ' 1) Prior to the commencement of the new build housing development details showing the proposed location of [1] one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) shall be submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service. These approvals shall not be unreasonably withheld or delayed.*
- 2) Prior to the first occupation of any part of the new build dwellings, they will at their own expense install the fire hydrant in the approved location to BS 750 standards or stored water supply and arrange for their connection to a water supply no less than 90mm in size, which is also appropriate in terms of both pressure and volume for the purposes of firefighting.*
- 3) Prior to the first occupation of any part of the new build dwellings, they will notify the West Sussex County Council's Fire and Rescue Service that the fire hydrant has been installed and is operational, to ensure that the Fire and Rescue Service are aware that the hydrant is now a usable asset in the event of a fire'.*

It noted however, that the supply of water for firefighting and Fire Service Access requirements are part of Approved Document B (AD-B) Volume 1: B5. It is therefore not deemed necessary to 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 is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

The biodiversity net gain condition is set out in the Town and Country Planning Act 1990, Schedule 7A, Part 2, 13 (2). It states:

'The condition is that the development may not be begun unless—

- (a) a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and*
- (b) the planning authority has approved the plan (see paragraph 15)'.*

The Council's Ecologist has reviewed the submitted and is satisfied that the submitted information provides sufficient information at the application stage. They have recommended that a Biodiversity Gain Plan should be submitted prior to commencement of the development.

In line with the legislation on biodiversity net gain, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development. This Plan is the mechanism to ensure that the biodiversity gain objective is met.

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.

For the reasons set out within the assessment section, it is considered that the application does not comply with Mid Sussex District Plan policies DP12, DP15, DP16, DP21 and DP26 of the District Plan and Neighbourhood Plan policies BOLBB1, BOLD1, BOLE2 and BOLH2.

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.

It has been identified that the proposals conflicts with planning policies associated with the protection of a National Landscape, and this carries significant weight against the scheme. Although the Council cannot currently demonstrate a five-year supply of deliverable housing sites, the proposal would conflict with policies of the Framework in relation to conserving and enhancing the natural environment. The application of these policies potentially provides for a strong reason for refusal (para 11d(i)), and in such a case the presumption in favour of sustainable development in terms of para 11d(ii) of the NPPF (the tilted balance) would not apply in this case.

Furthermore, 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 a suburbanising feature.

It is considered that as well as its unsustainable location it would be out of keeping with the existing pattern of development within the immediate vicinity and it would not conserve and detract from the visual qualities and essential characteristics of the AONB landscape (National Landscape) and rural character of the locality.

There will be no likely significant effect on the Ashdown Forest SPA and SAC and the impact on the Ashdown Forest.

The proposal would have a neutral effect in terms of highways and parking, drainage, ecology, trees and impact on neighbouring amenities.

The proposal would result in the provision of 2 new dwellings which will make a minor but positive contribution to the district's housing supply and requirement. The proposal would also result in the provision of construction jobs throughout the build, and a minor increased population likely to spend in the community.

Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case above the mandatory 10%) should be given positive weight in the planning balance.

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: Andrew Horrell