

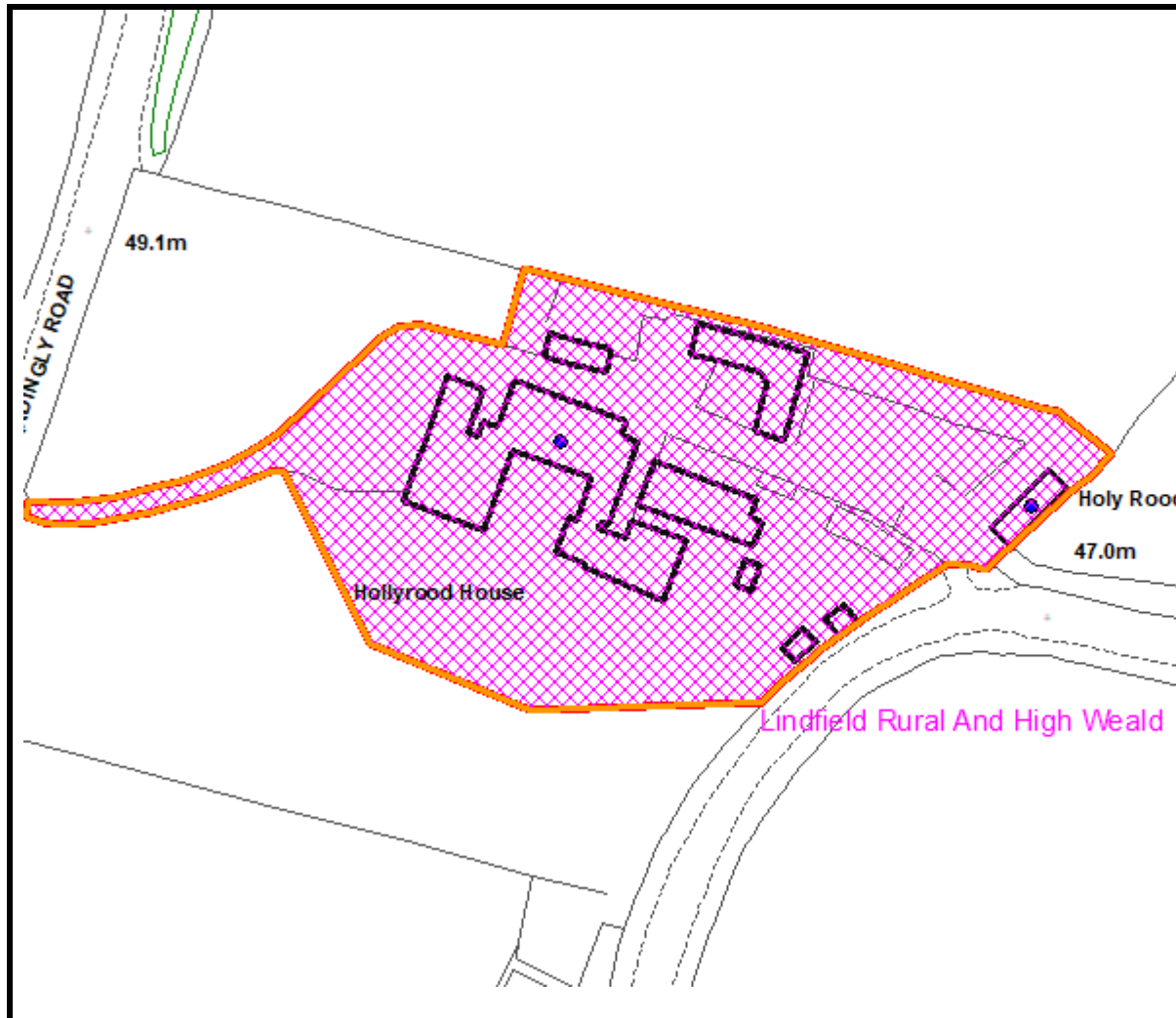
Planning Committee



Recommended for Permission

15th January 2026

DM/24/2922



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Site:	Hollyrood House Ardingly Road Lindfield Haywards Heath West Sussex
Proposal:	Removal of outbuildings and alterations to the existing buildings and hardsurfaces to allow for a change of use from Class C2 (residential institution) use to a Class C3 (dwellinghouse) use to provide 3 no. 1-bed flats, 14 no. 2-bed flats, and 2 no. 3-bed two storey dwellings (and retaining Holy Road Cottage as a 3-bed dwelling), together with 37 no. car parking spaces, private and communal amenity spaces, landscaping, bin and cycle stores. Alterations to existing access points onto and from Ardingly Road and Park Lane.
Applicant:	Mr Richard Smith

Category:	Smallscale Major Dwellings
Target Date:	30th January 2026
Parish:	Lindfield Rural
Ward Members:	Cllr Paul Brown / Cllr Lorraine Carvalho /
Case Officer:	Joanne Fisher

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SNPYQRKT04L00>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for planning permission as detailed above.

2.0 Executive Summary

- 2.1 This application seeks planning permission for the removal of outbuildings and alterations to the existing buildings and hard surfaces to allow for a change of use from Class C2 (residential institution) use to a Class C3 (dwellinghouse) use to provide 3 no. 1-bed flats, 14 no. 2-bed flats, and 2 no. 3-bed two storey dwellings (and retaining Holy Rood Cottage as a 3-bed dwelling), together with 37 no. car parking spaces, private and communal amenity spaces, landscaping, bin and cycle stores at Hollyrood House, Ardingly Road, Lindfield.
- 2.2 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP).
- 2.3 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.
- 2.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Lindfield as defined by the District Plan. As such the site is located within the defined countryside.
- 2.5 Policy DP12 of the District Plan refers to the protection of the countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or

relevant Neighbourhood Plan. The proposed development does not meet all the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.

- 2.6 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 2.7 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. At the present time, 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, having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. 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.
- 2.8 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policy DP12 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application.
- 2.9 Policy DP25 of the MSDP relates to community facilities and local services and includes specialise accommodation and care homes. It supports the loss of such facilities if it is no longer viable, or there is an existing duplicate facility in the locality which can accommodate its loss. The site has been vacant since 2022 and the operators identified that there were more appropriately located facilities elsewhere to meet local care home needs.
- 2.10 Whilst the loss of the C2 use is regrettable, the property is vacant and is no longer viable, as it is not suitable for the currents operating standards without significant work which would be prohibitive due to the nature of the building. As such it is considered that the principle of the change of use in this instance is acceptable and thereby complies with Policy DP25 of the MSDP.
- 2.11 Policy 1 of the LLNRP sets out the spatial plan for the parishes and support the re-use of previously developed sites. Whilst the site lies outside the built-up area boundary within the countryside, the proposal is for the re-use of a previously developed site as the former use of the site as a residential institution is no longer in operation and the site has been vacant since 2022. The proposal would therefore result in the re-use of a previously developed site which is encouraged within this Neighbourhood Plan policy.
- 2.12 The proposal would provide a net increase of 19 dwellings comprising of a mix of dwellings making use of a previously developed site through the conversion of a number of buildings. Given the inability of the Council to demonstrate a five-year housing land supply and the goal of national policy to significantly boost the delivery

of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.

- 2.13 The site is well enclosed and would be screened from wider viewpoints. The change of use of the site from a residential institution to dwellings is considered to maintain the character of the countryside in this part of the district and would also conserve the High Weald Area of Outstanding Natural Beauty. Whilst there would be some changes to the buildings there would also be the removal of a number of elements on the site including outbuildings and areas of hard surfacing. This would result in an enhancement to the site. The proposed extensions are considered to address the character and scale of the existing buildings.
- 2.14 The proposed development will not result in significant harm to the amenities of existing nearby residents or to future occupants of the buildings.
- 2.15 The Highways Authority consider that the proposal will not adversely impact on this part of the road network and would not result in additional vehicular movements on the highway network in comparison to the form use.
- 2.16 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. The applicants are providing a net gain on site. This would comply with the relevant requirements. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case meeting the mandatory 10%), should be given positive weight in the planning balance.
- 2.17 There are no objections to the scheme from the Lead Local Flood Authority (LLFA). The detail of the drainage for the site would be controlled by condition.
- 2.18 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 2.19 Weighing against the application is the conflict with Development Plan policy in relation to policies DP6, DP12 and DP15 of the MSDP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five-year housing land supply. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.
- 2.20 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 2.21 In light of all the above it is considered that the proposal complies with policies DP16, DP17, DP20, DP21, DP25, DP26, DP27, DP28, DP29, DP30, DP37, DP38, DP39 and DP41 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing.

- 2.22 In relation to the LLNRP it is considered the application complies with policy 1 as it is for the re-use of a previously developed site.
- 2.23 Taking all of this into account, it is your Planning Officers view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the Development Plan that have been referred to in this report, the proposal does conflict 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’*.
- 2.24 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.
- 2.25 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.
- 2.26 The proposal would provide 19 new dwellings, at a time when the Council cannot demonstrate a five-year housing land supply. There would be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would result in the use of a previously developed site within the countryside and would result in an enhancement to the site. There would also be a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 2.27 Your Planning Officer considers that the proposal would have a neutral impact in respect of the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated.
- 2.28 It is your Planning Officer’s view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

3.0 Recommendation

Recommendation A

- 3.1 It is recommended that planning permission is granted subject to the conditions listed in Appendix A and the completion of a section 106 legal agreement to secure the required infrastructure contributions, real-time passenger information and associated accompanying bus stop improvements, advanced stage viability review, SAMM and SANG contributions, the biodiversity net gain requirements and the necessary affordable housing.

Recommendation B

- 3.2 If a satisfactory planning obligation has not been completed by 15th April 2026 it is recommended that the application be refused at the discretion of the Assistant Director for Planning and Sustainable Economy for the following reason:

‘The proposal fails to provide the required infrastructure contributions, real-time passenger information and associated accompanying bus stop improvements and the biodiversity net gain requirements. The application therefore conflicts with Policies DP17, DP20, DP21 and DP38 of the Mid Sussex District Plan and the Mid Sussex Supplementary Planning Document ‘Development Infrastructure and Contributions’.

4.0 Summary of Representations

- 4.1 3 letters of objection concerning the following matters:

- location of site is on a busy road where access and visibility is dangerous where have been a number of near misses on the junction of Ardingly Road and Park Lane;
- the number of dwellings is dense. The area consists mainly of detached houses, and the proposal contains a large number of flats which is unusual for the area which is inappropriate and over development;
- Too many dwellings for the amount of parking on the site and nowhere for overflow parking to go resulting in overdevelopment;
- increase in number of vehicles accessing from both entrance/exits for both the building works and future residents/visitors;
- welcome a clear safety strategy and reduction in speed limit before any works are started;
- development was promised to the former residents of Holyrood all with severe learning disabilities and severe autism where residents were forced out;
- Holyrood is isolated and not in a town. There is one bus stop, and only other access is by road.

- 4.2 3 letters of comments in respect of the proposal raising the following:

- support the principle of redeveloping the site and converting the site into residential properties;
- concern on extra traffic coming out onto Ardingly Road and would encourage reduced speed limit and traffic calming measures to be imposed as part of the agreement for the new development and changes to make the Holyrood bus stop safer and more accessible;
- queries on sewage disposal and treatment plans as properties along Ardingly Road are not on the mains sewer. Where will sewage plant dispose to?
- queries on shared amenities and restrictions on levels of noise and light permitted at nighttime to protect amenity of neighbours and wildlife;
- a pavement between Holyrood to the junction with Park Lane would provide a safe walking option

4.3 1 letter of support raising the following points:

- the site is well served by local bus services running daily to a wide range of local destinations;
- existing bus stops are situated by the entrance to the site but have no hardstanding, lighting or footpath;
- as part of the development suggested that the bus stops are upgraded with more substantial hardstanding with raised bus kerbs to provide a safe place for bus users to wait and aid accessibility.

5.0 **Summary of Consultees**

WSCC Planning (Infrastructure)

Financial contributions to be secured through S106 towards primary education, secondary education, libraries and TAD.

WSCC Local Lead Flood Authority

No objection. Recommend condition.

WSCC Highway Authority

No objection subject to conditions, informatives and S106 to secure real-time passenger information and associated accompanying bus stop pole improvements (plus kerbing alterations, to be determined at detailed design stage) at the east and west sides of Ardingly Road adjacent to the site access point (including timing of installation).

WSCC Fire and Rescue Service

Comments regarding the position of the dry riser inlet, fire appliance and dry riser outlet.

WSCC Minerals and Waste

No objection to the proposed development from a mineral safeguarding perspective.

Ecological Consultant

No objection subject to conditions.

Nature Space (Great Crested Newts)

Recommend that the measures within the document are secured via a compliance condition,

Natural England

No objection subject to securing appropriate mitigation.

MSDC Contaminated Land Officer

No evidence or information that suggests the land may be contaminated. No specific comments regarding the potential for contaminated land based on the available mapping data.

MSDC Environmental Health Officer

No objection subject to conditions.

MSDC Housing Enabling Team

It is not currently viable for the applicant to provide a commuted sum towards the cost of off-site affordable housing provision, either in full or in part. In accordance with our Development Viability SPD the viability of the scheme will however need to be reassessed at a later stage in the project, when accurate information about actual build costs and values will be able to be provided. This Advanced Stage Viability Review will be undertaken on the sale / letting of 75% of the units to be included in the Section 106 agreement.

Viability Consultant

It appears unlikely that it would be sufficiently viable to support a contribution towards affordable housing at this time.

MSDC Tree Officer

No objection. Condition adherence to the Arboricultural Report and Tree Protection Plan

MSDC Leisure Officer

Financial contributions to be secured through S106 towards children's playing space, formal sport, and community buildings.

MSDC Street Name and Numbering

Informative

6.0 Lindfield Rural Parish Council Observations

6.1 The Parish Council raises a number of concerns to the application.

6.2 Road Safety Audit: The Parish Council raise concerns in respect of the additional highways response in relation to the Road Space Safety Audit of the 10th March 2024

as it omits a fatal collision of the 22nd November 2024. The audit was carried out during daylight hours and under artificially reduced traffic conditions due to roadworks. These do not reflect the reality of normal commuter traffic during winter conditions, when the fatal accident occurred.

- 6.3 Access: The Parish Council suggest access safety improvements to mitigate public danger and support sustainable transport objectives. This includes using Park Lane for vehicular access, restricting Ardingly Road entrance for pedestrian use only. In addition it is suggested that alternative access control of entry from Ardingly Road with mixed pedestrian access to bus stop and exist only from Park Lane.
- 6.4 Bus stops: The Parish Council has provided comments in relation to the bus stops where the bus stops should ensure space for a wheelchair to turn around with a clear wheelchair accessible route to the bus stops from Hollyrood House. The Parish Council request that bus stops at site entrance are upgraded with Raised Kassel Kerbs and real-time timetable information, together with wildlife friendly LED lighting.
- 6.5 Speed Limit: The Parish Council consider that the speed limit should be reduced to 40 mph from Lindfield to north of the Buxshalls development.
- 6.6 S106 funding: The Parish Council request that any Section 106 Infrastructure Development Funding is ringfenced for LRPC and allocated to Scaynes Hill Common Car Parking provision and maintenance. They also request that there is a clause within the S106 based upon final achieved pricing for development to increase allocation for sustainable/Affordable Housing contribution.
- 6.7 The submissions from the Parish Council can be viewed in full on the planning file

7.0 Introduction

- 7.1 This application seeks planning permission for the removal of outbuildings and alterations to the existing buildings and hardsurfaces to allow for a change of use from Class C2 (residential institution) use to a Class C3 (dwellinghouse) use to provide 3 no. 1-bed flats, 14 no. 2-bed flats, and 2 no. 3-bed two storey dwellings (and retaining Holy Rood Cottage as a 3-bed dwelling), together with 37 no. car parking spaces, private and communal amenity spaces, landscaping, bin and cycle stores; and alterations to the existing access points onto and from Ardingly Road and Park Lane at Hollyrood House, Ardingly Road, Lindfield.

8.0 Relevant Planning History

- 8.1 There are no relevant planning applications in relation to the main house (Hollyrood House), however the following is considered relevant to Holyrood Cottage which falls within the red line of the application site.
- 8.2 DM/24/2020 - Lawful Development Certificate for the existing use of the property as a Class C3 dwellinghouse. Approved.

9.0 Site and Surroundings

- 9.1 Hollyrood House is a former care home located on the eastern side of the Ardingly Road. The site comprises of two accesses, the main access being off the Ardingly Road and one from Park Lane. Within the site there are a number of buildings

including the main house which were used in association with the former C2 (residential institution) use of the site as a care home for adults with learning disabilities and autistic spectrum conditions.

- 9.2 Holy Rood Cottage also lies within the site which is close to the access from Park Lane. This is a residential dwelling and did not form part of the C2 use on the site.
- 9.3 The buildings are brick built with tiled roofs. Holyrood House comprises of a two and a half storey building with two storey and single storey flat roofed extensions. The other buildings of Oakwood and Holy Rood Cottage are two-storeys in height.
- 9.4 The site is set within extensive grounds. Immediately around the existing buildings is an area of hardstanding and internal access drive providing parking and turning within the site. To the west and south of the buildings are areas of landscaping which have outbuildings and structures associated with the former use of the site. This land is at various levels to the buildings with the land to the north/north-west at a higher level and land sloping down to the south away from the main building.
- 9.5 There is a tree preservation order to two Yew trees and 4 Oak trees under reference LR/01/TPO/00 which are along the south-eastern boundary of the site with Park Lane.
- 9.6 The site lies within the countryside and High Weald Area of Outstanding Natural Beauty (HWAONB) (also known as National Landscape) as well as within the Ashdown Forest 7km buffer zone as defined in the District and Neighbourhood Plans.

10.0 Application Details

- 10.1 Permission is sought for the removal of outbuildings, alterations to the existing buildings and hardsurfaces to allow for a change of use from Class C2 (residential institution) use to Class C3 (dwellinghouse) the formation of car parking space, private and communal amenity spaces, landscaping, bin and cycle stores; and alterations to the existing access points onto and from Ardingly Road and Park Lane.
- 10.2 The proposal would comprise of the conversion of Hollyrood House including the construction of a two-storey infill extension; a first-floor extension over a flat roof single storey building; flat roof changes to pitched roofs and internal alterations to provide 17 no. apartments (comprising of 13 two-bed and 4 one-bed flats).
- 10.3 The Oakwood building to the north of the site which is a two-storeys is to be converted and refurbished to form 2no. 3-bed semidetached dwellings. There would be changes to the windows and doors to this building.
- 10.4 Holy Rood Cottage to the east of the site is a two-storey 3-bed dwelling which would be retained for such use.
- 10.5 The two existing pedestrian and vehicular access points will be retained to Ardingly Road and Park Lane with these accesses widened. The parking arrangements would be re-configured to provide 39 car parking spaces around the retained buildings within the site. Within the site would also be the provision of refuse areas and cycle stores.

- 10.6 Some existing areas of hard surfacing would be removed and provided as landscaping and garden areas to serve the development. A number of the ground floor flats within Hollyrood House would have private amenity space or terrace areas. The wider garden areas outside of the red line would be retained, although plans show that this would be separated from the site by hedging and post and rail fencing.
- 10.7 The application has been accompanied by a number of supporting statements for consideration consisting of:
- Design and Access Statement;
 - Planning Statement;
 - Statutory Biodiversity Metric;
 - Biodiversity Net Gain Report;
 - Preliminary Ecological Appraisal;
 - Bat Emergence Survey Report;
 - Newt Assessment Report;
 - Precautionary Working Method Statement;
 - Arboricultural Report;
 - Tree Survey Schedule;
 - Flood Risk and Drainage Strategy;
 - Flood Risk and Drainage Response;
 - Foul Sewage and Surface Water Assessment;
 - Transport Statement;
 - Road Safety Audit;
 - Highways Response;
 - Sustainability and Energy Conservation Statement;
 - Financial Viability Appraisal;
 - Two Marketing Reports;
 - Minerals and Resource Statement; and
 - Planning Obligation Form.

11.0 Legal Framework and List of Policies

- 11.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 11.2 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) And local finance considerations, so far as material to the application, and*
- c) Any other material considerations.'*

11.3 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.'

- 11.4 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.
- 11.5 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.
- 11.6 Using this as the starting point the Development Plan for this part of Mid Sussex consists of the Mid Sussex District Plan (MSDP), Sites Allocations Development Plan Document (SADPD) and the Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP).
- 11.7 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.
- 11.8 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERCA) places a duty on the Council (public authorities) to conserve biodiversity in exercising its functions. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 11.9 Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This application was submitted after mandatory biodiversity net gain coming into effect, so this application is subject to the 10% mandatory biodiversity net gain introduced under schedule 7A referred to above.
- 11.10 The following list of policies are relevant in the determination of this application;

11.11 **Mid Sussex District Plan (MSDP) 2014-2031**

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

Relevant policies:

DP4 - Housing

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)

DP20 - Securing Infrastructure

DP21 - Transport

DP25 – Community Facilities and Services

DP26 - Character and Design

DP27 - Dwelling Space Standards

DP28 - Accessibility

DP29 - Noise, Air and Light Pollution

DP30 - Housing Mix

DP31 - Affordable Housing

DP37 - Trees, Woodland and Hedgerows

DP38 - Biodiversity

DP39 - Sustainable Design and Construction

DP41 - Flood Risk and Drainage

11.12 **Mid Sussex Site Allocations Development Plan Document (SADPD)**

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

The following policy is considered to be relevant:

SA38 – Air Quality

11.13 **Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP)**

The Neighbourhood Plan for Lindfield and Lindfield Rural was 'made' in March 2016. It forms part of the development plan with full weight.

Relevant policy for consideration:

Policy 1 – A Spatial Plan for the Parishes

11.14 **Other Legislation**

Countryside and Rights of Way Act (CRoW) 2000

11.15 **Other Material Considerations**

11.16 **High Weald AONB Management Plan 2024 - 2029**

The Plan is adopted by all the relevant local authorities with land in the High Weald National Landscape as their policy for the management of the area and for the carrying out of their functions in relation to it and is a material consideration for planning applications affecting the HWNL.

The following objectives are relevant to the application:

S1: To protect the historic pattern and character of settlements

S2: To enhance the architectural quality of the High Weald and ensure new development reflects the character of the High Weald in its siting, scale, layout and design.

DS1: To preserve the dark skies of the High Weald AONB by minimising light pollution, obtrusive external lighting and internal light spill from domestic, commercial and public premises in both existing and new developments within the High Weald, and from highways lighting.

DS2: To protect wildlife and habitats from light pollution across the High Weald.

11.17 **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 Drainage

DPS6 - Health and Wellbeing

DPN2 – Biodiversity Net Gain

DPN4 – Trees, Woodland and Hedgerows

DPN9 – Air Quality

DPC1 – Protection and Enhancement of the Countryside

DPC3 – New Homes in the Countryside

DPC4 - High Weald Area of Outstanding Natural Beauty

DPC6 - Ashdown Forest SPA and SAC

DPB1 - Character and Design

DPT1 - Placemaking and Connectivity

DPT3 - Active and Sustainable Travel

DPH1 - Housing

DPH2 - Sustainable Development – Outside the Built-Up Area

DPH7 - Housing Mix

DPH8 - Affordable Housing

DPH11 - Dwelling Space Standards

DPH12 - Accessibility

DPI1 - Infrastructure Provision

DPI2 - Planning Obligations

DPI6 - Community and Cultural Facilities and Local Services

11.18 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.

SDP Development Infrastructure and Contributions (2018)

Affordable Housing SPD (2018)

Development Viability SPD (2018)

WSCC: Guidance on Parking at New Developments (Sept 2020)

11.19 National Planning Policy Framework (NPPF) (December 2024)

11.20 The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8

sets out the three overarching objectives to sustainable development, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives are economic, social and environmental.

11.21 Paragraph 9 of the NPPF states *'these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

11.22 Paragraph 11 of the NPPF sets out that for both plan-making and decision-taking, the presumption in favour of sustainable development should apply.

11.23 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.'

11.24 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.'

11.25 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 (PPG)

National Design Guide

11.26 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.

11.27 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

12.0 Assessment

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

- The principle of development
- Impact on the character of the area and the High Weald AONB (HWAONB) and design
- Residential amenity
- Transport matters
- Sustainability
- Trees
- Biodiversity
- Flood Risk and Drainage
- Affordable housing and housing mix
- Housing standards and accessibility
- Infrastructure
- Ashdown Forest
- Other Matters
- Planning Balance and Conclusion

12.2 Principle of Development

12.3 As noted above, planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

12.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Lindfield as defined by the adopted District Plan. As such the site is located within the defined countryside.

12.5 Policy DP12 of the MSDP refers to the protection of the countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

12.6 Policy DP6 of the MSDP states in part that:

'Outside defined built-up area boundaries, the expansion of settlements will be supported where:

1. *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*
2. *The site is contiguous with an existing built-up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

- 12.7 The proposed residential development does not meet all of these criteria.
- 12.8 Policy DP15 of the MSDP refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include:
- Essential agricultural or forestry workers accommodation
 - Exceptional design quality for isolated new homes
 - Rural exception sites
 - DP6 requirements being met
- 12.9 The proposed residential development does not meet any of these special justifications.
- 12.10 Policy DP25 of the District Plan relates to community facilities and local services. This policy includes specialist accommodation and care homes. It states in part that:
- 'Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:*
- that the use is no longer viable; or*
 - that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
 - that a replacement facility will be provided in the locality.'*
- 12.11 The submitted Planning Statement sets out that the site has been vacant since 2022. The site closed as the site owners The Disabilities Trust (now Brainkind) identified that there were more appropriately located facilities elsewhere to meet local care home needs, in buildings that were inherently more suited to modern care home facilities, compared with the "institutional" form of Hollyrood in a rural location. In addition, two marketing reports accompany the application which sets out that there is no demand for the continuing use of the site as a care home due to the rural location of the site and the difficulties in maintaining and updating the building to provide an acceptable level of accommodation suitable for modern day care facilities.
- 12.12 Whilst the loss of the C2 use is regrettable, the property is vacant and is no longer viable, as it is not suitable for the current operating standards without significant work which would be prohibitive due to the nature of the building. As such it is considered that the principle of the change of use in this instance is acceptable and thereby complies with Policy DP25 of the District Plan.

12.13 Policy 1 of the LLRNP sets out the spatial plan for the parishes and states:

'Only development proposals within the built up area boundaries of Lindfield and Scaynes Hill, as shown on the Proposals Map, will be supported and the re-use of previously-developed sites will be encouraged, provided that the development is appropriate in scale, massing, and character, and that the proposals for development have had due regard to the policies contained elsewhere in this Plan and the Local Development Plan.'

12.14 Whilst the site lies outside the built-up area boundary within the countryside, the proposal is for the re-use of a previously developed site as the former use of the site as a residential institution is no longer in operation and the site has been vacant since 2022. The proposal would therefore result in the re-use of a previously developed site which is encouraged within this Neighbourhood Plan policy.

12.15 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.

12.16 As the site is not allocated for residential development in the Development Plan, the application is in conflict with policies which are central to the principle of development at this location, and your Planning Officer considers that the proposed development does not accord with the Development Plan, when read as a whole. 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. It is therefore necessary to consider other material planning considerations which outweigh this conflict with the Development Plan.

12.17 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.

12.18 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).

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

'For decision-taking this means;

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

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

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

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

- 12.20 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.
- 12.21 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 delivery 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.
- 12.22 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.
- 12.23 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). While the site is located within the High Weald Area of Outstanding Natural Beauty (also known as National Landscapes). Given this and having consideration of the assessment of the impact the proposed development would have on the HWAONB (set out in subsequent paras of this report), it is not considered that there is a strong reason for refusal. As such it is not considered para 11(d)(i) is engaged. Therefore para 11(d)(ii) is considered relevant in the determination of this application.'
- 12.24 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.
- 12.25 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.

- 12.26 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.
- 12.27 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.
- 12.28 Policy DP25 (Community Facilities and Local Services) seeks to support the provision or improvement of community facilities and local services. It acknowledges that where there is a loss of a community facility that it will only be supported subject to criteria. This policy does not specifically relate to the provision of housing and as such can be given full weight.
- 12.29 Policy 1 of the LLRNP sets out the spatial plan for the parishes setting out that only development proposals within the built-up area boundaries of Lindfield and Scaynes Hill will be supported. However, it does allow for the re-use of previously developed sites. 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.
- 12.30 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.
- 12.31 Impact on the character of the area and the High Weald AONB (HWAONB) and design**
- 12.32 One of the objectives of achieving sustainable development is to ensure that proposals *'contribute to protecting and enhancing our natural, built and historic environment'* (para 8, NPPF).
- 12.33 The site falls outside of the built-up area (within the countryside). It is therefore necessary to consider the impact of the proposal in the local landscape in terms of the visual impact on the area. Policy DP12 of the District Plan in part requires proposals to *'maintains or where possible enhances the quality of the rural and landscape character of the District'*.
- 12.34 Para 187 of the NPPF requires proposals to contribute to and enhance the natural and local environment by *'recognising the intrinsic character and beauty of the countryside'*. It's important to note that the site and the surrounding landscape do not fall within any national designation.
- 12.35 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.

- 12.36 Policy DP16 of the District Plan relates to the High Weald AONB and requires proposals to *'conserve or enhance natural beauty'*.
- 12.37 The High Weald AONB Management Plan sets out a number of objectives which are relevant to this proposal (as identified in para 11.16 of the report). These seeks to protect the character of settlements (S1) and enhance the architectural quality of the High Weald (S2) as well as protecting the dark skies in the AONB minimising light pollution and protecting wildlife and habitats from light pollution (DS1 and DS2).
- 12.38 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 and the Broads 66. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Footnote 66: English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

- 12.39 Policy DP26 of MSDP deals with 'Character and Design' and states:

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

- is of high quality design and layout and includes appropriate landscaping and greenspace;*
- contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*

- *protects open spaces, trees and gardens that contribute to the character of the area;*
- *protects valued townscapes and the separate identity and character of towns and villages;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- *creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *positively addresses sustainability considerations in the layout and the building design;*
- *take the opportunity to encourage community interaction by creating layouts with a strong neighbourhood focus/centre; larger (300+ unit) schemes will also normally be expected to incorporate a mixed use element;*
- *optimises the potential of the site to accommodate development.'*

12.40 Paragraph 131 of the NPPF states in part that *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'*

12.41 The Council's adopted Design Guide is a material consideration in the determination of the application. This document seeks to inform and guide the quality of design for all development across Mid Sussex District. It sets out a number of design principles to deliver high quality, new development that responds appropriately to its context and is inclusive and sustainable. Within the Design Guide there is support for innovative and inventive designs that responds to the sustainability agenda within DG37. In addition, there is support for architectural integrity and a sense of place within DG38 where the facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings.

12.42 The proposal for the conversion of the existing buildings to residential use consists of some extensions to the main building Hollyrood House and alterations to the elevations of Oakwood through changes to windows and doors. In terms of the extensions and alterations to Hollyrood House, it is considered that these relate well to the main building through the use of pitched elements and the removal of some of the flat roofed elements would result in an enhancement to the building. These extensions address the character and scale of the existing building through reflecting the materials and detailing on the building. The alterations to the openings to Oakwood are also considered to be sensitive to the building.

- 12.43 As the site is well contained and screened, it is considered that the change of use of the site from a residential institution to dwellings would maintain the character of the countryside in this part of the district and would also conserve the HWAONB. Whilst there would be some changes to the buildings, there would also be the removal of a number of elements on the site including outbuildings and areas of hard surfacing. This would result in an enhancement to the site which is currently vacant and in disrepair with a large amount of hard surfacing and buildings.
- 12.44 Concerns have been raised that the proposal is inappropriate and would result in an overdevelopment. The proposal is for the conversion of the existing buildings on the site with some extensions to the main building. There would also be a reduction in amount of hardstanding on the site. The extensions are well contained and do not dominate the main building. As the proposal is for the conversion within a large site, it is not considered that the proposal would result in an overdevelopment. Whilst the surrounding area does not comprise of flats, it is considered that the proposal would result in a re-use of the building providing a mix of dwellings. The character of the building would be retained and would therefore not have a detrimental impact on the character of the area.
- 12.45 The proposal is therefore considered to protect the intrinsic character and beauty of the countryside, conserve the HWAONB and would be of a character, scale and design sensitive to the existing buildings. The proposal thereby complies with policies DP12, DP16 and DP26 of the MSDP, the design principles of the Mid Sussex Design Guide SPD, the objectives of the High Weald Management Plan, and the relevant paragraphs of the NPPF.
- 12.46 Residential amenity**
- 12.47 Policy DP26 seeks to ensure that new 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. There is no policy which relates to residential amenity within the Neighbourhood Plan.
- 12.48 Chapter 8 of the Mid Sussex Design Guide relates to residential amenity. Principle DG45 requires proposals to demonstrate how privacy would be achieved between new and existing developments. Principle DG46 requires attractive and useable external amenity space for all homes. Principle DG47 requires all dwellings to have sufficient daylight and sunlight where single aspect north facing flats should be avoided.
- 12.49 The site is set within extensive grounds which are well screened. Due to the distance between the buildings and the neighbouring properties, it is considered that the proposal will not result in significant harm to the amenities of these nearby dwellings.
- 12.50 Concerns have been raised by third parties in respect of noise and light. Whilst this is noted, it is considered that proposal would not result in significant further noise from permitted former use of the site. In addition, due to the distances and the vegetation screening, any noise would be mitigated. A condition could be place on an approval to ensure no external lighting is permitted without the consent of the authority in order to maintain dark skies within the HWAONB.

- 12.51 In respect of the impact of amenities between future occupiers within the development, the proposed dwellings at the Oakwood building and the existing property of Holy Rood Cottage are well spaced with private amenity spaces. Whilst house 2 at the Oakwood building would have a ground floor window adjacent to the internal access road, this is to serve a kitchen and would provide surveillance to the parking area opposite. It is considered that the position of this window would not result in significant detriment to the amenities of this occupier through vehicle movements within the site, which would be slow.
- 12.52 The conversion of Hollyrood House to flats would provide private amenity space and terraces to some of the ground floor flats. This would be separated to provide defensible space and prevent overlooking between windows. A condition could be placed on an approval in respect of boundary treatments to ensure that there is suitable fencing to separate these areas. Other flats at ground floor have landscaping under the windows which provide separation from the external gardens, parking areas or the internal access road.
- 12.53 Two of the proposed ground floor flats are to have a bedroom in the basement area with new windows formed in the bayed element of this. These are to be south facing. Due to the levels, whilst low down, would be at ground level. It is considered that these bedrooms would benefit from adequate light.
- 12.54 One of the first-floor flats is to benefit from a balcony area utilising the flat roof to the rear of the building. During the course of the application the scale of this has been reduced to prevent any overlooking to the private amenity areas of the ground floor flats and an unneighbourly through the use of this. A condition can be placed as part of the boundary treatment to include details of screening around the terrace areas to the ground floor and this first-floor terraced area in order to further protect the amenities of future occupiers of this part of the flatted development and to prevent further use of the remaining flat roofed element for outdoor living space.
- 12.55 Whilst it is acknowledged that one of the first-floor flats would solely be north facing, with another having its living area to the north, this is to be mitigated through larger windows with Juliette balconies to the living rooms to allow larger amounts of light to these rooms. As such it is considered that there would be sufficient natural light to serve the amenities of occupiers of these two flats.
- 12.56 It is considered that the proposal would not result in significant harm to the amenities of existing nearby residents and future occupants of the new dwellings. The proposal is thereby considered to comply with Policy DP26 of the MSDP and the requirements of the Mid Sussex Design Guide.

12.57 Transport matters

- 12.58 Policy DP21 in the MSDP states:

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

- A high quality transport network that promotes a competitive and prosperous economy;

- *A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- *Access to services, employment and housing; and*
- *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:

- *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);*
- *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;*
- *The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*
- *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;*
- *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;*
- *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;*
- *The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- *The scheme protects the safety of road users and pedestrians; and*
- *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.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

12.59 With regard to the NPPF section 9 deals with 'promoting sustainable transport' and paragraphs 115 – 118 directly relate to the 'consideration of development proposals'. These are set out below;

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

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

116. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

117. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

118. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a

vision-led transport statement or transport assessment so that the likely impacts of the proposal can be assessed and monitored.'

- 12.60 The application has been supported by a Transport Statement, a Stage 1 Road Safety Audit, and response notes to the comments from the Local Highways Authority (LHA). All these documents have been carefully considered by the LHA, and their comments can be found in full on the planning file.
- 12.61 The proposal is to retain the existing access arrangements utilising the accesses onto Ardingly Road and Park Lane. There is to be minor improvements to the accesses to provide a minimum 5 metre width carriageways where they join the public highway.
- 12.62 The proposal would provide 39 car parking spaces (being a mixture of allocated and unallocated) as well as secure cycle parking and electric vehicle charging points within the site.
- 12.63 The submitted Transport Statement sets out that the proposal would result in a reduction of vehicle movements compared to the former use of the site as a care home with a dwelling. This is based on a TRICS based assessment for care home uses.
- 12.64 The existing 'baseline' land uses of the former site would be anticipated to result in circa 52 arrivals and 49 departures, with a total of 101 vehicular trips across the course of a typical day. Of these 101 vehicular trips, it is estimated that around 14 trips would be likely to be associated with goods vehicle trips i.e. servicing trips. In terms of the proposed residential land use, the Transport Statement sets out that the proposal would be likely to result in around 36 arrivals and 36 departures, with a total of 72 vehicular trips across the course of a typical day of which around 5 trips would represent trips associated with servicing/deliveries. As such the proposal would be likely to result in a material decrease in vehicular trips attracted to the site on a daily basis, with around a 30% decrease in vehicular trip movements.
- 12.65 An Automatic Traffic Counter (ATC) was placed on Ardingly Road and Park Lane within the vicinity of the existing accesses for a seven-day period during September 2024. For Ardingly Road, the weekly traffic flow was 2,504 vehicles northbound and 2,437 vehicles southbound. For Park Lane, the weekly traffic flow northbound was 263 vehicles and 354 vehicles southbound.
- 12.66 Both Ardingly Road and Park Lane are subject to a 60mph speed limit. The 85th percentile speed taken from the ATC show that vehicle speeds are lower than the speed limit of the highway. For Ardingly Road, the surveyed speeds were 49.4mph northbound and 49.2mph southbound. For Park Lane, the surveyed speeds were 36.5mph northbound and 37.1mph southbound.
- 12.67 The Transport Statement concludes that the proposal will not result in any material (negative) transport impacts in respect to the operation of the site access or the wider highway network. The proposals will, however, result in a material decrease in vehicular trip attraction associated with the site.

- 12.68 The submitted Road Safety Audit (RSA) sets out foliage is to be cut back behind the junction visibility splays to minimise future maintenance and to limit the risk of obstruction to emerging drivers' views. In addition, highway works considered by the RSA comprise of bus stop improvements. This would be secured through the S106 legal agreement for the provision of real-time passenger information (RTPI) displays for the two bus stops within Ardingly Road (adjacent to the site access).
- 12.69 The LHA has considered the proposal and the additional clarifications provided during the course of the application. They raise no objection to the proposal subject to the legal agreement securing off site highway works to the bus stops and conditions.
- 12.70 The LHA are satisfied with the access arrangements proposed in respect of the visibility splays and the details in the RSA for the access onto Ardingly Road. In respect of Park Lane, whilst the visibility splay is restricted, they acknowledge that the development proposals will neither increase flows around the bend nor increase trips via the site's Park Lane access (with a net reduction in overall traffic attraction identified). As such, the LHA are satisfied that the proposals will not adversely impact on this part of the road network on Park Lane.
- 12.71 The test in both policy DP21 in the MSDP and paragraph 116 of the NPPF, of development only being prevented or refused on highway grounds if the residual cumulative impacts, following mitigation would be severe, is a high bar. Your Planning Officer agrees with the comments of the LHA, that the proposed development would not result in a severe impact on the highway network that would justify a refusal of planning permission. The LHA are the statutory body responsible for the road network in Mid Sussex and their views should be afforded significant weight in the decision-making process.
- 12.72 Sustainable Transport
- 12.73 In line with guidance in the NPPF, the applicants have provided a section in relation to accessibility to promote sustainable travel modes for the site in their Transport Statement. It sets out that the site is well located in respect of access to bus services as there are existing bus stops located within Ardingly Road immediately adjacent to, and opposite, the site's principal access. The bus stops provide access to the bus service 270 and 272, which are operated by Metro Bus. These both provide an hourly service Monday to Sunday between Crawley and Brighton and East Grinstead and Brighton.
- 12.74 As set out above the LHA have requested improvements to the bus stop to encourage the use of this which is to be secured through the S106 legal agreement.
- 12.75 The proposal is to also provide opportunities of access local facilities and services via sustainable modes through cycling with cycle parking being provided within the site.
- 12.76 Construction stage
- 12.77 It is normal practice on major developments, for a Construction Management Plan (CMP) to be submitted to the LPA for its approval, in consultation with the LHA. The purpose of a CMP is to provide some mitigation to the effects, and set out a clear

framework, for both the developers and residents, of how the construction process will be managed.

- 12.78 It needs to be accepted that the construction process will result in disruption and inconvenience for existing residents. This cannot be avoided completely and is not a reason to refuse planning permission. With a CMP in place, it is considered that the impact on the highway network and residents that use the network can be satisfactorily managed. Such a CMP can be dealt with by condition.

12.79 Other matters

- 12.80 Comments have been received in respect of the site being isolated not within a town. Whilst this is acknowledged, the proposal is for a conversion of existing buildings within a vacant C2 site where it is acknowledged that sustainable modes of transport would be more limited. As set out above the proposed use would result in a reduction of vehicle movements compared to the former use. In addition, there is a bus stop outside of the site which is to be improved as part of the proposal to encourage alternative means of travel from the private vehicle.

- 12.81 It has been queried through third party representations on providing a pavement between Hollyrood to the junction with Park Lane to provide a safe walking option into the village of Lindfield. This land does not form part of the application site and is outside of the control of the applicant. In addition, the highway is not wide enough to cater for this. The application can only be considered on the information provided. The LHA are satisfied that the proposal is acceptable and has not requested a footway to be provided to encourage walking from the site to the village.

12.82 Transport Conclusions

- 12.83 As set out above, the level of vehicular movements that would be generated by the proposed development would not result in a severe impact on the highway network, which is the relevant test. The LHA have no objection to the proposed development and as the statutory body responsible for the road network within the district, it is considered that the views should be afforded significant weight. It is considered that there are no sustainable reasons to resist the application on highways grounds.
- 12.84 The proposal is thereby considered to comply with policy DP21 of the MSDP and the requirements of the NPPF.

12.85 Sustainability

- 12.86 Policy DP21 of the MSDP relates to transport. The full policy is set out above in para 12.57. In part it requires schemes to be *'sustainably located to minimise the need for travel' and take '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'*. In addition, it requires where *'practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.'*

12.87 Policy DP39 of the MSDP 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.'*

12.88 Paragraph 161 of the NPPF states:

'The planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.'

12.89 Paragraph 164 of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* Paragraphs 166 expects new development to *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

12.90 It is important to recognise that in respect of policy DP39, whilst the wording of the policy is supportive of improving the sustainability of developments, there are no prescriptive standards for developments to achieve in respect of carbon emission reductions. Similarly, the wording of principle DG37 of the Council's Design Guide seeks applicants to demonstrate and consider sustainable matters as part of their design approach, including the use of renewable technologies, but it does not require their use.

12.91 The application is accompanied by a Sustainability and Energy Conservation Statement. This sets out that the *'existing buildings are to be refurbished. There will be upgrades of existing insulation and ventilation standards to reduce energy demand, ensure they use efficient supply of energy and will incorporate low and zero*

carbon technology to provide low emission heat and power. In addition, it sets out that the development aims to achieve a reduction in carbon dioxide emissions of 35% beyond the 2013 Building Regulations. It is proposed to use Air Source Heat Pumps for heating compared to the existing gas fired boilers in the buildings.

- 12.92 It is acknowledged that the site is not highly sustainable due to it being set away from the built-up area boundary of Lindfield with no continuous footway to the village. However, the proposal seeks to convert existing buildings which were formerly in a C2 (residential institution) use where there were vehicle movements to the site from users and staff.
- 12.93 Notwithstanding this, there is a bus stop outside of the site and opposite on Ardingly Road which provides good services. The LHA has requested as part of the S106 agreement for real-time passenger information and associated accompanying bus stop pole improvements (plus kerbing alterations) to both bus stops outside and opposite the site to encourage alternative means of transport. In addition, the proposal is to incorporate cycle parking, and the car parking spaces are to be served by electric vehicle charging points as set out in the submitted Planning Statement.
- 12.94 The proposal is thereby considered to be acceptable in sustainability terms and complies with the relevant criteria policies DP21 and DP39 of the MSDP.

12.95 Trees

- 12.96 Policy DP37 of the MSDP 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.'*
- 12.97 The application is supported by a Tree Survey, Tree Constraints Plan, Tree Protection Plan and Tree Survey Schedule. These set out that within the application site there are 53 individual trees, 22 of which are category A trees, 18, category B trees, 11 category C trees and 2 category U trees. There are also 8 group trees 6 bring category B and 2 category C.
- 12.98 The tree survey schedule identifies that 7 individual and 4 group trees would be removed. These have been identified to be removed in order to facilitate refurbishment works, parking bays and the driveway alterations or due to arboricultural reasons as there is ash die-back or trees are dead. The trees to be removed comprise mainly of category C and U trees, although a group tree of Goat Willow is a category B tree.
- 12.99 The submitted reports set out tree protection measures to be carried out during the course of the works including protective fencing, construction exclusion zones, hand-dig measures within root protection areas.
- 12.100 The Council's Tree Officer raises no objection to the proposal and has requested a condition to require works to be carried out in accordance with the Arboricultural Report and Tree Protection Plan.
- 12.101 Whilst the loss of some trees within the site are regrettable, suitable replacement planting could be carried out in order to mitigate this impact.

12.102 In light of the above, it is considered that the proposal is acceptable and complies with Policy DP37 of the MSDP.

12.103 Biodiversity

12.104 Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Act, all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Act, certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

12.105 Policy DP38 in the MSDP 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.

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological

conservation interests include Regionally Important Geological and Geomorphological Sites.'

12.106 Paragraph 187 of the NPPF sets out the ways planning policies and decisions should contribute to and enhance the natural and local environment. 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 (footnote 70), 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.

Footnote 70: For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.'

12.107 The Environmental Act 2021 has amended section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and places a general duty on a public authority to conserve and enhance biodiversity. A public authority must, in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving and enhancing biodiversity.

12.108 The application is supported by a Preliminary Ecological Appraisal, Statutory Biodiversity Metric, BNG Report, Bat Emergence Survey Report, Newt Assessment Report, Precautionary Working Method Statement.

12.109 Site baseline

12.110 To assess the impact of the proposed development on the ecology/biodiversity value of the site, it is first important to understand the baseline value. The following section sets out a summary of this in terms of habitats and species, respectively.

12.111 Habitats

12.112 The habitats and ecological features present within the survey area are described in the applicants Ecological Impact Appraisal. This sets out that the existing site comprises Hollyrood House a former care home and other buildings as well as several outbuildings with vegetated grounds of mature trees and amenity grassland with woodland to the west and south.

12.113 Species

12.114 Bats

12.115 Further survey work was carried out in relation to bats of a bat emergence survey to buildings on the site. This identified that bats emerged from beneath hanging tiles on the buildings confirming a day roost. Foraging and commuting behaviour of bats was also recorded. There was no evidence of maternity roosts found on the site. The main body of activity consisted of common pipistrelle and soprano pipistrelle bats on the site.

12.116 Badger

12.117 The applicants survey indicates that there are no signs of badgers within or using the site.

12.118 Dormouse

12.119 The survey sets out that the site offers sub-optimum opportunities for dormice and no evidence was recorded.

12.120 Water Vole

12.121 Water Vole are considered to be absent and do not form a constraint under the proposals.

12.122 Reptiles

12.123 The appraisal sets out that the available habitat within the main site offers limited sheltering opportunities for reptiles whilst the habitat on the southern side within woodland edges offers suitability for reptiles.

12.124 Great Crested Newt (GCN)

12.125 There are no ponds on the site, but 8 ponds are within 500 metres. It is considered that the site is unlikely to support GCN's as it was formally garden, providing sub optimal habitat. However, the adjacent woodland and grassland habitat provides opportunities as a terrestrial habitat. With the site being situated within the 'amber' risk zone it is recognised that there is potential for Great Crested Newts to be onsite.

12.126 Breeding Birds

12.127 Based on the survey results, the survey area supports a reasonably diverse assemblage of breeding birds.

12.128 Avoidance, Mitigation and Enhancement Measures

- 12.129 In terms of mitigation, to safeguard bats during removal of trees, a further inspection will be undertaken by a suitably qualified ecologist immediately prior to felling. Where roost features are confirmed within trees to be felled, further work will be required during the active season May to August/September. The Bat Emergence Survey Report identifies that works to the buildings will require a European Protected Species Licence from Natural England. Mitigation measures will include hand removal of roofing materials under ecological supervision the installation of six bat boxes in nearby trees and the incorporation of replacement roost features (bat bricks or tiles).
- 12.130 The Council's Ecology Consultant recommends that a Wildlife Friendly Lighting Strategy is implemented to avoid lighting impacts to foraging / commuting bats and acknowledged that a licence should be secured as part of a condition to any consent.
- 12.131 With regards to badgers, as no evidence has been found, no mitigation measures are proposed to be carried out.
- 12.132 In respect of reptiles, a Newt Precautionary Working Methods Statement was submitted during the course of the application. This sets out that prior to the commencement of development, wildlife friendly protective fencing will be installed around the outer edges of the built form and construction area. Following completion of development, the statement sets out that reptile habitat will be further enhanced by the provision of a hibernaculum to provide additional refuge opportunities for GCNs.
- 12.133 In respect of Dormice, additional survey work for dormice is not considered necessary unless disturbance to the adjacent woodland is proposed.
- 12.134 With regards to breeding and nesting Birds, in order to avoid disturbance of nesting birds or damage to their nests, all demolition and habitat removal works will be undertaken outside of the bird nesting season (typically March – September dependent on weather).
- 12.135 The Preliminary Ecological Appraisal sets out a number of enhancement measures which would be implemented into the development. This includes:
- Retaining trees, where possible.
 - Planting of ornamental shrubs to be based on plants suitable for pollinators and non-invasive species.
 - Installation of green roofs, where possible.
 - Installation of wildlife shelters for birds to include flagship species such as chaffinch, greenfinch, blue tit, coal tit, pied flycatcher, great tit, nuthatch and tree sparrow.
 - Installation of integrated swift boxes.
 - Installation of integrated roosting boxes for bats in buildings.
 - Installation of wildlife shelters for invertebrates.
 - Omit the use of pesticides and herbicides within the proposed external landscape.
 - Ensure sensitive lighting is implemented to minimise disturbance to foraging bats.
- 12.136 The Council's Ecology Consultant has considered the proposal and raises no objection. They consider that the mitigation measures identified in the Preliminary Ecological Appraisal (Ecology and Land Management, November 2024), the Bat Emergence Survey Report (Ecology & Land Management, July 2025) should be secured by a condition of any consent and implemented in full.

12.137 With regards to GCN, the Precautionary Working Methods Statement has been considered by NatureSpace who suggests a condition for compliance with the measures identified in the document.

12.138 Biodiversity Net Gain

12.139 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.

12.140 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)’.

12.141 The Environment Act 2021 makes provision for BNG to be delivered in the following ways;

- On-site
- Off-site (on registered sites)
- Biodiversity credits (purchased nationally)

The BNG can be delivered via a blend of the above measures, as appropriate.

12.142 The BNG for this development is to be met on-site. The submitted BNG Report concludes that *‘The retention of most of the trees and the creation of floristically diverse modified grassland, introduced shrubs and green roofs will mitigate the loss of habitat features. In summary the resulting biodiversity net change are 2.74 units (38.56%) for habitat units and 0.43 (63.33%) Units for linear features. There is no habitat or linear unit deficit.’* This sets out that the 10% requirement will be exceeded.

12.143 The Councils Ecology Consultant generally supports the submitted pre-development baseline and are satisfied that the submitted information provides sufficient information at application stage. They are generally satisfied that the post-intervention values are realistic and deliverable.

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

12.145 Flood Risk and Drainage

12.146 Policy DP41 in the MSDP states:

'Proposals for development will need to follow a sequential risk-based approach, ensure development is safe across its lifetime and not increase the risk of flooding elsewhere. The District Council's Strategic Flood Risk Assessment (SFRA) should be used to identify areas at present and future flood risk from a range of sources including fluvial (rivers and streams), surface water (pluvial), groundwater, infrastructure and reservoirs.

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.

Sustainable Drainage Systems (SuDS) should be implemented in all new developments of 10 dwellings or more, or equivalent non-residential or mixed development²² unless demonstrated to be inappropriate, to avoid any increase in flood risk and protect surface and ground water quality. Arrangements for the long term maintenance and management of SuDS should also be identified.

For the redevelopment of brownfield sites, any surface water draining to the foul sewer must be disconnected and managed through SuDS following the remediation of any previously contaminated land.

SuDS should be sensitively designed and located to promote improved biodiversity, an enhanced landscape and good quality spaces that improve public amenities in the area, where possible.

The preferred hierarchy of managing surface water drainage from any development is:

- 1. Infiltration Measures*
- 2. Attenuation and discharge to watercourses; and if these cannot be met,*
- 3. Discharge to surface water only sewers.*

Land that is considered to be required for current and future flood management will be safeguarded from development and proposals will have regard to relevant flood risk plans and strategies.'

12.147 Paragraph 181 of the NPPF states:

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (63). Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

d) any residual risk can be safely managed; and

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Footnote 63: A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.'

12.148 The application is accompanied by a Flood Risk and Drainage Assessment and a Foul Sewage and Surface Water Assessment. This information has been assessed by WSCC Lead Local Flood Authority (LLFA).

12.149 Flood Risk

12.150 In terms of Fluvial/Tidal flood risk, the site is located in Flood Zone 1. The submitted Planning Statement sets out that *'the site is unlikely to be affected by flooding from surface water, not surprising given the elevated position of the site on the hillside. The surrounding highway network can be susceptible to some surface water flooding, but this appears to be short-lived and insignificant.'*

12.151 The submitted Flood Risk and Drainage Assessment sets out that the proposal will reduce the extent of the current buildings and hard surfaces across the site. Where new hard surfaces are proposed these will be constructed of permeable materials and incorporate sustainable drainage mechanisms.

12.152 Surface Water

12.153 The proposal is for the conversion of existing buildings. The submitted Planning Statement sets out that being *'a conversion of existing buildings that are central to the otherwise landscaped site, the proposal will not have an effect on any watercourse or flood management measures, and it will not have an adverse effect on local flood storage capacity of flood flows. Moreover, there will be a reduction in the extent of non-permeable hard surfaces and an opportunity to improve the out-dated drainage mechanisms. The conversion works will comply with Part H of the Building Regulations (Drainage and Waste Disposal) and the Surface Water Drainage Strategy will satisfy sustainable urban drainage system principles (SuDS) to manage surface water runoff as close to its source as possible.'*

12.154 The applicants Flood Risk and Drainage Report sets out that any surface water accumulation or flow from any hard surfaces or from the buildings will absorb into the surrounding natural unmade ground around the buildings and within the site curtilage.

12.155 Foul Drainage

12.156 The Foul Sewage and Surface Water Assessment sets out that the existing buildings are served by a network of positive gravity foul water drains which discharge into an existing private treatment works. In terms of the proposed foul water drainage any existing connections into the demolished building will be suitable closed off. The existing layout will be adapted and modified to facilitate the proposed internal drainage modifications and additional accommodation. This will discharge into the existing treatment plant.

12.157 The LLFA has considered the proposal and raises no objection subject to a condition in relation to details being submitted in respect of details of how the site currently drains and any proposed alterations to the surface water drainage shall be provided, as detailed in the Flood Risk and Drainage report.

12.158 It is considered that the proposal is acceptable in flood risk and drainage terms and complies with Policy DP41 of the MSDP and the requirements of the NPPF.

12.159 Affordable housing and housing mix

12.160 Housing Mix

12.161 Policy DP30 of the MSDP seeks to provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs.

12.162 The proposal is to form a mix of 1 and 2 bed flats and 3-bed dwellings comprising of 3no 1-bed, 14no 2-bed flats and 3no 3-bed dwellings.

12.163 It is considered that the proposal has demonstrated that a satisfactory housing mix can be provided in accordance with policy DP30 in the MSDP.

12.164 Affordable Housing

12.165 Policy DP31 in the MSDP seeks to secure 30% affordable housing on sites such as this.

12.166 The policy states in part that proposals:

'that do not meet these requirements will be refused unless significant clear evidence demonstrates to the Council's satisfaction that the site cannot support the required affordable housing from a viability and deliverability perspective. Viability should be set out in an independent viability assessment on terms agreed by the relevant parties, including the Council, and funded by the developer. This will involve an open book approach.'

12.167 The National Planning Policy Guidance (PPG) states that:

'Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.'

12.168 The applicants have provided a Financial Viability Appraisal as part of the application that seeks to demonstrate that the scheme is not viable to provide any affordable housing contribution either on site or in the form of a commuted sum. This information has been independently assessed by consultants appointed by the District Council.

12.169 On this issue the Council's Viability Consultant concludes that:

'Considering the scheme again based on the latest available information and having explored the viability as best we can within the guidelines set by the PPG, unfortunately the viability exercise does now conclude that the scheme is relatively marginal, and it appears unlikely that it would be sufficiently viable to support a contribution towards affordable housing at this time'

12.170 The Council's Housing Officer has advised that in accordance with the Council's Development Viability SPD the viability of the scheme will need to be reassessed at a later stage in the project, when accurate information about actual build costs and values will be able to be provided. This Advanced Stage Viability Review will be undertaken on the sale / letting of 75% of the units. The requirement and mechanism for this review will be included in the section 106 legal agreement.

12.171 As such the application accords with Policy DP31 of the MSDP as well as the Council's SPD's on Affordable Housing SPD and Development Viability.

12.172 Housing Standards and Accessibility

12.173 Policy DP27 relates to dwelling space standards and states that:

'Minimum nationally described space standards for internal floor space and storage space will be applied to all new residential development. These standards are applicable to:

- Open market dwellings and affordable housing;*
- The full range of dwelling types; and*
- Dwellings created through subdivision or conversion.*

All dwellings will be required to meet these standards, other than in exceptional circumstances, where clear evidence will need to be provided to show that the internal form or special features prevent some of the requirements being met.'

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

12.175 The proposal is to provide a mixture of 1-bed and 2-bed flats, with 3-bed dwellings. From details provided the dwellings would comply with the National Dwelling Space Standards.

12.176 Policy DP28 of the MSDP relates to accessibility and states:

'All development will be required to meet and maintain high standards of accessibility so that all users can use them safely and easily.

This will apply to all development, including changes of use, refurbishments and extensions, open spaces, the public realm and transport infrastructure, and will be demonstrated by the applicant.

With regard to listed buildings, meeting standards of accessibility should ensure that the impact on the integrity of the building is minimised.

Developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 - accessible and adaptable dwellings under Building Regulations - Approved Document M Requirement M4(2), with the following exceptions:

- 1) Where new dwellings are created by a change of use;*
- 2) Where the scheme is for flatted residential buildings of fewer than 10 dwellings;*
- 3) Where specific factors such as site topography make such standards unachievable by practicable and/ or viable means;*
- 4) Where a scheme is being proposed which is specifically intended for the needs of particular individuals or groups, where a greater proportion may be appropriate.*

Wheelchair use dwellings

Category 3 - Wheelchair-user dwellings under Building Regulations - Approved Document M Requirement M4(3) will be required for a reasonable proportion of affordable homes, generally 4%, dependent on the suitability of the site and the need at the time.

The Requirement will also apply to private extra care, assisted living or other such schemes designed for frailer older people or others with disabilities and those in need of care or support services.'

12.177 As the proposal is for a change of use to the existing buildings which are in a C2 use, the above policy requirements are not relevant. However, as set out in the submitted Planning Statement, *'at least 5 dwellings will be accessible dwellings in accordance with Building Regulations Housing Technical Standards M4 (1) and M4(2) (accessible and adaptable dwellings).'* The submitted plans show that this includes a ground floor flat (flat 3) to be M4(3) accessible.

12.178 The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the units proposed and thereby comply with Policies DP27 and DP28 of the MSDP and the National Dwelling Space Standards.

12.179 Infrastructure

12.180 Policy DP20 of the MSDP seeks to ensure that development is accompanied by the necessary infrastructure. This includes securing affordable housing which is dealt with under Policy DP31 of the MSDP. Policy DP20 sets out that infrastructure will be secured through the use of planning obligations. The Council has approved three Supplementary Planning Documents (SPDs) in relation to developer obligations (including contributions). The SPDs are:

- a) A Development Infrastructure and Contributions SPD which sets out the overall framework for planning obligations
- b) An Affordable Housing SPD
- c) A Development Viability SPD

12.181 The Council's Development Infrastructure and Contributions SPD (2018) was revoked in July 2025 and more up-to-date evidence on infrastructure costs (by using Appendix 5 of the Submission Draft District Plan) with a mechanism to charge higher levels of contributions to help alleviate that pressure is now relied on. However, as the application was made before 23rd July 2025 this application remains to be assessed against the 'Development Infrastructure and Contributions' Supplementary Planning Document (July 2018) for S106 contributions.

12.182 The NPPF sets out the government's policy on planning obligations in paragraphs 56 and 58 which state:

'56 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

and:

'58 Planning obligations must only be sought where they meet all of the following tests (25):

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

Footnote 25: Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.'

12.183 These tests reflect the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations).

12.184 Having regard to the relevant policies in the District Plan, the SPDs, Regulation 122 and guidance in the National Planning Policy Framework, the infrastructure set out below is to be secured via a planning obligation.

12.185 West Sussex County Council Infrastructure Requirements:

- Primary school contribution of £31,307 to be spent on additional facilities at Lindfield Primary Academy or another primary school in the planning area of Haywards Heath should this be more suitable at the time that the contribution is made.
- Secondary school contribution of £33,694 to be spent on additional facilities at Oathall Community College or another secondary school in the planning area of Haywards Heath should this be more suitable at the time that the contribution is made.
- Library contribution of £6,876 to be spent on additional facilities at Haywards Heath Library.
- TAD contribution of £35,806 to be spent on cycle/pedestrian improvements linking Lindfield to Haywards Heath.

12.186 The legal agreement would also secure a Travel Plan Monitoring fee and undertaking a two-stage process for the Traffic Regulation Order (TRO) and TRO highway works scheme for the speed limit reduction the access works which would be paid for a delivered by the developer.

12.187 Mid Sussex District Council Infrastructure Requirements

- Play space contribution of £15,010 to be spent towards improvements of play equipment at Hickmans Lane.
- Kickabout contribution of £12,608 to be spent towards Hickmans Lane.
- Formal sport contribution of £17,190 to be spent towards formal sport facilities at Hickmans Lane and / or Lindfield Common.
- Community building contribution of £11,076 to be spent towards improvements to King Edward Hall.
- Local community infrastructure contribution (LCI) of £12,572 to be spent towards Scaynes Hill Common car park provision and maintenance.

12.188 It is considered that the above contributions are reasonable and necessary to mitigate the impact of this development. Subject to the completion of a s106 legal agreement to secure the required infrastructure contributions, the development accords with policy DP20 of the MSDP, the relevant SPDs, Regulation 122 and guidance in the NPPF.

12.189 Ashdown Forest

12.190 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).

- 12.191 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.
- 12.192 A Habitats Regulations Assessment has been undertaken for the proposed development in this planning application.
- 12.193 Recreational disturbance
- 12.194 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.
- 12.195 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.
- 12.196 This planning application is within the 7km zone of influence and generates a net increase of 19 dwellings, and as such, mitigation is required.
- 12.197 An appropriate scale of SAMM mitigation for the proposed development is £22,230, and if the approved scheme provides for a strategic SANG contribution, this would be £99,807.
- 12.198 The applicants have agreed that they would be prepared to make a financial contribution towards the SAMM Strategy and strategic SANG mitigation. Any contributions received will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.
- 12.199 The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.
- 12.200 The financial contributions for SAMM and SANG mitigation are to be secured through a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 ("Planning Obligation").
- 12.201 Once the Planning Obligation securing the SAMM and SANG contributions has been completed, it is considered that the mitigation of the recreational impact to the Ashdown Forest can be secured. The proposal therefore accords with Policy DP17 of the MSDP.

12.202 Natural England has been consulted on the appropriate assessment of this proposed development and raise no objection.

12.203 Atmospheric pollution

12.204 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.

12.205 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.

12.206 Conclusion of the Habitats Regulations Assessment

12.207 The Habitats Regulations Assessment concludes that the proposed development would not have an adverse effect on the integrity of the Ashdown Forest SPA and would not have a likely significant effect, alone or in combination, on the Ashdown Forest SAC.

12.208 The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed provides sufficient mitigation to avoid any potential impact on the Ashdown Forest SPA.

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

12.210 Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives and having consulted Natural England and fully considered any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development.

12.211 Other Matters

12.212 Concerns have been raised over the closure of the former residential institution. Unfortunately, the management and closure of the site is not a planning consideration. Sufficient information has been provided over the loss of the former use of the site and the marketing of it to show how the loss complies with Policy DP25 of the MSDP as set out in paras 12.11 and 12.12.

12.213 Waste and Minerals

12.214 The site lies within the identified Mineral Safeguarding Area (MSA) for Brick Clay (Wadhurst Clay Formation). A Minerals Resource Statement has been submitted with the application. This concludes that there will be no adverse impact arising with regard to safeguarding minerals arising from the change of use of the buildings and land.

12.215 The WSCC Waste and Minerals Officer raise no objection from a mineral safeguarding perspective. The development is previously developed land and is therefore exempt.

13.0 Planning Balance and Conclusion

- 13.1 This application seeks planning permission for the removal of outbuildings and alterations to the existing buildings and hard surfaces to allow for a change of use from Class C2 (residential institution) use to a Class C3 (dwellinghouse) use to provide 3 no. 1-bed flats, 14 no. 2-bed flats, and 2 no. 3-bed two storey dwellings (and retaining Holy Rood Cottage as a 3-bed dwelling), together with 37 no. car parking spaces, private and communal amenity spaces, landscaping, bin and cycle stores at Hollyrood House, Ardingly Road, Lindfield.
- 13.2 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 National Planning Policy Framework (NPPF). The Development Plan in this instance consists of the Mid Sussex District Plan (MSDP), the Site Allocations Development Plan Document (SADPD) and the Lindfield and Lindfield Rural Neighbourhood Plan (LLRNP).
- 13.3 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.
- 13.4 In terms of policy designations, the starting point for this assessment is that the application site falls outside of the built-up area of Lindfield as defined by the District Plan. As such the site is located within the defined countryside.
- 13.5 Policy DP12 of the District Plan refers to the protection of the countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan. The proposed development does not meet all the criteria of policy DP12 in the MSDP. In addition, the proposed development does not meet all of the criteria of policy DP6 in the MSDP and does not meet the criteria of policy DP15 of the MSDP.
- 13.6 As the site is not allocated for residential development in the Development Plan, it is considered that the proposed development does not accord with the Development Plan, when read as a whole. In accordance with planning law, it is necessary to consider other material planning considerations when determining this planning application.
- 13.7 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. At the present time, 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, having particular regard for the key policies indicated in paragraph 11(d)(ii) of the NPPF. 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.

- 13.8 For the reasons set out within this report, policies DP4 and DP6 can be given limited weight, policy DP12 can be afforded moderate weight and policy DP15 can be afforded full weight in the determination of this application.
- 13.9 Policy DP25 of the MSDP relates to community facilities and local services and includes specialise accommodation and care homes. It supports the loss of such facilities if it is no longer viable, or there is an existing duplicate facility in the locality which can accommodate its loss. The site has been vacant since 2022 and the operators) identified that there were more appropriately located facilities elsewhere to meet local care home needs.
- 13.10 Whilst the loss of the C2 use is regrettable, the property is vacant and is no longer viable as it is not suitable for the currents operating standards without significant work which would be prohibitive due to the nature of the building. As such it is considered that the principle of the change of use in this instance is acceptable and thereby complies with Policy DP25 of the MSDP.
- 13.11 Policy 1 of the LLNRP sets out the spatial plan for the parishes and support the re-use of previously developed sites. Whilst the site lies outside the built-up area boundary within the countryside, the proposal is for the re-use of a previously developed site as the former use of the site as a residential institution is no longer in operation and the site has been vacant since 2022. The proposal would therefore result in the re-use of a previously developed site which is encouraged within this Neighbourhood Plan policy.
- 13.12 The proposal would provide a net increase of 19 dwellings comprising of a mix of dwellings making use of a previously developed site through the conversion of a number of buildings. Given the inability of the Council to demonstrate a five-year housing land supply and the goal of national policy to significantly boost the delivery of housing, it is considered that the delivery of this residential accommodation should be afforded substantial positive weight in the planning balance.
- 13.13 The site is well enclosed and would be screened from wider viewpoints. The change of use of the site from a residential institution to dwellings is considered to maintain the character of the countryside in this part of the district and would also conserve the High Weald Area of Outstanding Natural Beauty. Whilst there would be some changes to the buildings there would also be the removal of a number of elements on the site including outbuildings and areas of hard surfacing. This would result in an enhancement to the site. The proposed extensions are considered to address the character and scale of the existing buildings.
- 13.14 The proposed development will not result in significant harm to the amenities of existing nearby residents or to future occupants of the buildings.

- 13.15 The Highways Authority consider that the proposal will not adversely impact on this part of the road network and would not result in additional vehicular movements on the highway network in comparison to the form use.
- 13.16 With regards to biodiversity net gain (BNG), the application is required to provide a minimum of 10% BNG to comply with the statutory requirement in the Town and Country Planning Act 1990. The applicants are providing a net gain on site. This would comply with the relevant requirements. Whilst mandatory, the fact that the proposal will deliver a net gain in biodiversity (in this case meeting the mandatory 10%), should be given positive weight in the planning balance.
- 13.17 There are no objections to the scheme from the Lead Local Flood Authority (LLFA). The detail of the drainage for the site would be controlled by condition.
- 13.18 It is considered that the impact of the proposal on infrastructure can be mitigated by the contributions that have been set out in this report. These contributions comply with policy DP20 in the MSDP and the Community Infrastructure Levy (CIL) Regulations and will be secured by a section 106 legal agreement.
- 13.19 Weighing against the application is the conflict with Development Plan policy in relation to policies DP6, DP12 and DP15 of the MSDP. However, the weight to be attached to policies DP6 and DP12 is reduced because the Council cannot demonstrate a five-year housing land supply. Whilst policy DP15 is considered to have full weight, this is aimed at specific types of housing (essential accommodation for rural workers, isolated new homes of exceptional quality, affordable housing rural exception sites) and therefore the conflict with this policy is not considered to be determinative in this case.
- 13.20 In summary, it is for the decision maker to consider the weight that should be attached to these issues, individually and collectively.
- 13.21 In light of all the above it is considered that the proposal complies with policies DP16, DP17, DP20, DP21, DP25, DP26, DP27, DP28, DP29, DP30, DP37, DP38, DP39 and DP41 in the MSDP. However, there is a conflict with policies DP6, DP12 and DP15 in the MSDP because the proposal is for a major housing development on site that is not allocated in the Development Plan for housing.
- 13.22 In relation to the LLNRP it is considered the application complies with policy 1 as it is for the re-use of a previously developed site.
- 13.23 Taking all of this into account, it is your Planning Officers view that because the application is for a major housing development on an unallocated site, notwithstanding compliance with the policies in the Development Plan that have been referred to in this report, the proposal does conflict 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.'
- 13.24 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.

- 13.25 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.
- 13.26 The proposal would provide 19 new dwellings, at a time when the Council cannot demonstrate a five-year housing land supply. There would be economic benefits from the proposal, both during construction phase and from the increased spend within the local economy once the development is occupied. The proposal would result in the use of a previously developed site within the countryside and would result in an enhancement to the site. There would also be a net gain in biodiversity. These benefits would accord with the economic, social and environmental objectives as set out in paragraph 8 of the NPPF.
- 13.27 Your Planning Officer considers that the proposal would have a neutral impact in respect of the Ashdown Forest, infrastructure provision and drainage, where planning conditions and the legal agreement will mean that the impact of the development is mitigated.
- 13.28 It is your Planning Officer's view that the benefits of this development, as highlighted within the report, significantly outweigh the adverse impacts, which will in any event be mitigated for as far as possible. It is therefore considered that whilst the proposal is not in accordance with the Development Plan when read as a whole, there are material planning considerations of sufficient weight that would justify the approval of this scheme.

APPENDIX A – RECOMMENDED CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. **Approved plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Applications".

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Pre-commencement**

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority for each phase of the development. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and routing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of road sweepers and any temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

4. Prior to the commencement of the development, details of how the site currently drains and any proposed alterations to the surface water drainage shall be provided, as discussed in the Flood Risk and Drainage report by PD Planning UK, February 2025. Any surface water drainage construction shall then be constructed as per any agreed alterations to the surface water drainage and remain in perpetuity for the lifetime of the development.

Reason: To ensure that the proposal is satisfactorily drained and to accord with the NPPF requirements, Policy DP41 of the District Plan 2014 - 2031.

5. No external works including demolition shall take place unless and until samples of materials and finishes to be used for external walls and roofs of the proposed extensions have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan 2014 - 2031.

6. No external works including demolition shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority full details of a hard and soft landscaping scheme and these works shall be carried out as approved. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with Policies DP16 and DP26 of the Mid Sussex District Plan 2014 - 2031.

7. No external works including demolition shall take place until details of proposed screen walls/fences and/or hedges including those serving the terrace and balcony areas have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls/fences or hedges associated with them have been erected or planted.

Reason: In order to protect the appearance of the area and to accord with and Policy DP26 of the Mid Sussex District Plan 2014 - 2031.

8. Any works which will impact the breeding / resting place of bats, shall not in in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

c) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

9. No development shall take place, including any works of demolition, until a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- o Purpose and conservation objectives for the proposed enhancement measures;
- o detailed designs or product descriptions to achieve stated objectives;
- o locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- o persons responsible for implementing the enhancement measures; and
- o details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).

10. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Ecology and Land Management, November 2024), the Bat Emergence Survey Report (Ecology & Land Management, July 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This will include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECow) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

11. No development shall take place, including any works of demolition, until details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to a value derived in accordance with, the Air quality and emissions mitigation guidance for Sussex which is current at the time of submission of the discharge of condition application. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To preserve the amenity of local residents regarding air quality and emissions and to accord with Policy SA38 of the Site Allocations Development Plan Document 2022.

12. **Construction Phase**

Works of demolition/construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hours

Saturday: 09:00 - 13:00 hours

Sundays and Bank/Public Holidays: no work permitted.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

13. Deliveries or collection of plant, equipment or materials for use during the demolition/construction phase shall be limited to the following times:

Monday to Friday: 08:00 - 18:00 hrs

Saturday: 09:00 - 13:00 hrs

Sunday & Public/Bank holidays: None permitted.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

14. The works shall be carried out in accordance with the Arboricultural Report (Ref: HH 06.24) and the Tree Survey Schedule dated 29th June 2024.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area and to accord with Policy DP37 of the Mid Sussex District Plan 2014 - 2031.

15. The works shall be carried out in accordance with the Newt Precautionary Working Methods Statement (v1.2 September 2025).

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

16. The works shall be carried out in accordance with the details set out in the Sustainability and Energy Conservation Statement (dated 10th October 2024).

Reason: To achieve a high quality and sustainable development and to accord with sustainability policies set out in policies DP21 and DP39 of the Mid Sussex District Plan and the requirements of the NPPF.

17. **Pre-occupation**

No part of the development shall be occupied until such time as the vehicular accesses, including visibility splays, serving the development have been constructed in accordance with the approved plans (including requirements of any Road Safety Audits).

Reason: In the interests of road safety and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

18. No part of the development shall be occupied until the internal access road(s), footways, and casual parking areas serving the development have been constructed in accordance with the approved layout drawings.

Reason: To secure satisfactory standards of access for the proposed development and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

19. No dwelling shall be occupied until the car parking has been constructed in accordance with the approved plans. Once provided the spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

20. No dwelling shall be first occupied until covered and secure cycle parking spaces serving the respective dwelling have been provided in accordance with the approved plans.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy DP21 of the Mid Sussex District Plan 2014 - 2031.

21. Prior to occupation, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through provision of appropriate technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (as amended).

22. Unless otherwise agreed, the air source heat pumps serving each property shall not come into use until a scheme has been submitted to the LPA demonstrating that the noise rating level (LA_r, Tr) of each heat pump operating at the maximum setting shall be at least 5dB below the background noise level (LA₉₀, T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014+A1:2019. The approved measures shall be implemented before each heat pump is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of local residents and to accord with Policy DP26 of the Mid Sussex District Plan 2014-2031.

Biodiversity Net Gain

1. This permission is considered to be one which **will require the approval of a biodiversity gain plan before development is begun** (which includes demolition) because none of the statutory exemptions or transitional arrangements are considered to apply.

Please see the information contained within the notes to applicants/agents set out below.

Informatives

1. The following matters will need to be considered by the applicant as part of the biodiversity gain condition:
 - o Strategic significance scores must be updated for the pre-development baseline and post-intervention values as part of the Biodiversity Gain Condition. This is because the site being within the High Weald National Landscape (formally AONB) is not considered a reason for high strategic significance. Therefore, all habitats should be recorded as containing low strategic significance.
 - o The proposal to secure trees in Good condition is not considered realistic or deliverable, as the trees will be required to be mature and contain ecological niches after the period of 30 years. Therefore, we recommend that additional tree planting will be required to meet trading rules.
2. In relation to condition 11 to ensure approval, we strongly recommend that the above scheme is agreed in advance with the Council's Air Quality Officer.
3. The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant should contact the Implementation Team Leader (01243 642105) to commence this

process. The applicant is advised that it is an offence to undertake any works within the highway prior to the S278 Agreement being in place.

The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

4. The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
5. The applicant is advised that they must apply and obtain approval from West Sussex County Council as Highway Authority for all temporary directional signs to housing developments that are to be located on the highway. Further details of the process and how to apply are available here <https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/temporary-development-signs/#overview>
6. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

7. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.
8. You are advised that this planning permission requires compliance with a planning condition(s) before development commences. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: <https://www.gov.uk/guidance/use-of-planning-conditions#discharging-and-modifying-conditions> (Fee of £298 will be payable per request). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made, and you will be liable to enforcement action.
9. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an

acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Other	22	A	14.01.2025
Existing Floor and Elevations Plan	11		11.12.2024
Existing Floor and Elevations Plan	10		11.12.2024
Existing Elevations	09		11.12.2024
Existing Floor Plans	08		11.12.2024
Existing Floor Plans	07		11.12.2024
Existing Floor Plans	06		11.12.2024
General	21	A	29.11.2024
General		Indicative Habitat Plan	11.12.2024
Proposed Floor Plans	12	E	05.12.2025
Proposed Floor Plans	13	E	05.12.2025
Proposed Floor and Elevations Plan	14	C	29.11.2024
Proposed Floor and Elevations Plan	15	D	29.11.2024
Proposed Floor and Elevations Plan	16	A	29.11.2024
Proposed Elevations	17	F	05.12.2025
Site Plan	18	K	05.12.2025
Topographical Survey	19		29.11.2024
Location Plan	20		29.11.2024