

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0761	Case Officer:	Katherine Williams
Application Type:	Full Application		
Proposal:	Proposed creation of a new vehicular access to serve 6, 9 and 10 Highfields		
Site:	6, 9 And 10 Highfields, Brighton Road, Warninglid, Haywards Heath, West Sussex, RH17 5SY, ,		
Validation Date	26 Mar 2025	Overall Expiry Date:	21 Apr 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 May 2025
Target Date:	21 May 2025	Recommending Officer Signature:	Katherine Williams

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	21 May 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0761

**6, 9 And 10 Highfields, Brighton Road, Warninglid, Haywards Heath, West Sussex, RH17 5SY,
Proposed creation of a new vehicular access to serve 6, 9 and 10 Highfields
Mr Haynes**

SUMMARY OF REPRESENTATION

A letter of representation has been received from No. 9 Highfields who supports the application as it would relieve pressure on existing entrance due to increased number of properties and would allow faster access of emergency services.

SUMMARY OF CONSULTEES

WSCC Highways Authority - no objection, advice given
Ecologist - no objection, recommend condition

PARISH COUNCIL OBSERVATIONS

The council would like to object to this on the basis that it is overdevelopment and unnecessary given that there is already an access driveway.

INTRODUCTION

The application seeks planning permission for the creation of a new vehicular access to serve 6, 9 and 10 Highfields.

RELEVANT PLANNING HISTORY

None relevant

SITE AND SURROUNDINGS

The application site is located on the eastern side of Brighton Road, within the countryside and the High Weald Area of Outstanding Natural Beauty.

The locality is characterised by residential properties off the eastern side of Brighton Road, which either face onto this highway or off subsequent cul-de-sacs. The dwellings are of varying designs and forms with boundary hedging and planting adjacent to the highway. To the western side of Brighton Road is the A23. The application site is located at the southern end of Brighton Road and consists of a dwellinghouse, No. 6 Highfield, with three properties to the rear which form a safeguarded Gypsy and Traveller Site (DP33). These properties utilise one access onto Brighton Road which is also used by a further 4 No. properties.

APPLICATION DETAILS

The proposal seeks permission for the creation of a new vehicular access to serve No.s 6, 9 and 10 Highfields. The proposed access would be located to the north of the existing and would run parallel with the northern boundary of the site to meet the existing drive to the rear properties. The proposed access would be constructed in asphalt.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocation DPD and the Ansty and Staplefield Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

DP12 - Protection and Enhancement of Countryside
DP16 - High Weald Area of Outstanding Natural Beauty
DP21 - Transport
DP26 - Character and Design
DP38 - Biodiversity

Ansty and Staplefield Neighbourhood Plan (made February 2017)

Relevant policies:

AS3 - High Weald Area of Outstanding Natural Beauty

Mid Sussex Site Allocations Document (DPD)

Site Allocations Development Plan Document as adopted on 29th June 2022. It allocates sufficient housing and employment land to meet identified needs 2031.

{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.

Mid Sussex District Plan 2021-2039 Consultation Draft

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 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
DPN2 - Biodiversity Net Gain
DPC1 - Protection and Enhancement of the Countryside
DPC4 - High Weald Area of Outstanding Natural Beauty
DPB1 - Character and Design
DPT4 - Parking and Electric Vehicle Charging Infrastructure

National Planning Policy Framework (NPPF) (December 2024)

National Planning Policy Guidance

Ministerial Statement and Design Guide

On 1 October 2019 the Secretary of State for the Ministry of Housing, Communities and Local Government made a statement relating to design. The thrust of the statement was that the Government was seeking to improve the quality of design and drive up the quality of new homes. The Government also published a National Design Guide, which is a material planning consideration.

The National Design Guide provides guidance on what the Government considers to be good design and provides examples of good practice. It notes that social, economic and environmental change will influence the planning, design and construction of new homes and places.

Other Planning Guidance

High Weald AONB Management Plan 2024-2029

ASSESSMENT

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

- Principle of Development
- Design and Character
- Impact on the High Weald AONB
- Impact on neighbouring properties
- Impact on Highway Safety
- Biodiversity
- Biodiversity Net Gain

Principle of Development

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point, the development plan in Mid Sussex consists of the Mid Sussex District Plan (2018), together with the Ansty and Staplefield Neighbourhood Plan and the Site Allocation DPD.

Policy DP12 of the Mid Sussex District Plan states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map, provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and:

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

Agricultural land of Grade 3a and above will be protected from non-agricultural development proposals. Where significant development of agricultural land is demonstrated to be necessary, detailed field surveys should be undertaken and proposals should seek to use areas of poorer quality land in preference to that of higher quality.

The Mid Sussex Landscape Character Assessment, the West Sussex County Council Strategy for the West Sussex Landscape, the Capacity of Mid Sussex District to Accommodate Development Study and

other available landscape evidence (including that gathered to support Neighbourhood Plans) will be used to assess the impact of development proposals on the quality of rural and landscape character.

Built-up area boundaries are subject to review by Neighbourhood Plans or through a Site Allocations Development Plan Document, produced by the District Council.

Economically viable mineral reserves within the district will be safeguarded.'

The proposal seeks the creation of a new access to serve 3 No. existing properties within the countryside. The proposal would not be for agricultural purposes and not supported by a specific policy. However, the proposal would be seen in relation to the surrounding access points and driveways of neighbouring properties. The proposal would also maintain the surrounding boundary planting and is therefore considered protect the intrinsic character and beauty of the countryside, and acceptable in this instance.

It is therefore considered that the proposal would comply with policy DP12, and acceptable in principle.

Design and Character

Policy DP26 of the Mid Sussex District Plan states:

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

- *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 DP27);*
- *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.'*

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

The proposed access would be located to the north of the existing access point and would extend parallel to the northern boundary of the site and would then connect to the existing drive which continues to the rear properties. The proposal would be seen in relation to the existing driveways and access points of surrounding residential properties, as well as the existing driveway the proposed access would adjoin. Given this, and that the existing front boundary planting would be retained the proposal is considered to be in keeping the character of the site and the locality.

Impact on the AONB

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.

Mid Sussex District Plan policy DP16 states:

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

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

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular'

The ethos of this policies is echoed in policy AS3 of the Ansty and Staplefield Neighbourhood Plan.

Paragraphs 189 of the NPPF states that;

'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. 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'

A similar ethos is found within the High Weald Area of Outstanding Natural Beauty Management Plan requiring proposals to conserve and enhance the AONB.

Given the design, form and scale of the proposal in relation to the existing site and materials within the locality it is considered that the proposal would not have an impact on the AONB and would conserve it.

Impact on neighbouring properties

DP26 states:

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

The closest neighbouring properties are Graftons, which would be some 48 metres to the north of the property and the other residential properties of Highfields (No.s 1, 3,4 and 5) some 50 metres to the south of the proposal. Given the significant separation distance, it is considered that the proposal would not cause harm to the amenities of neighbouring properties.

Impact on Highway Safety

WSCC Highways Authority have been consulted on the application and have provided the following comments:

'This application seeks the creation of a new vehicular access to serve 6, 9 and 10 Highfields. The site is located on Brighton Road, an unclassified road subject to national speed limit.

The applicant proposes a 5m wide bellmouth access with 6m radii on Brighton Road. From inspection of the submitted plans and WSCC mapping, visibility appears suitable for the anticipated road speeds in this location. In addition, access and egress has been demonstrated via swept path tracking to the satisfaction of the LHA. The applicant will need to obtain the necessary consents from WSCC to undertake works within the highway and implement the proposed access point.

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

An informative has been suggested to inform the applicant that all appropriate consents from WSCC will be required to cover the off-site highway works. Given the above, it is considered that the proposal would not have an acceptable impact on highway safety or result in 'severe' cumulative impact on the operation of the highway network and is considered acceptable.

Biodiversity

Policy DP38 of the Mid Sussex District Plan states:

'Biodiversity will be protected and enhanced by ensuring development:

- *Contributes and takes opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, including through creating new designated sites and locally relevant habitats, and incorporating biodiversity features within developments; and*
- *Protects existing biodiversity, so that there is no net loss of biodiversity. Appropriate measures should be taken to avoid and reduce disturbance to sensitive habitats and species. Unavoidable damage to biodiversity must be offset through ecological enhancements and mitigation measures (or compensation measures in exceptional circumstances); and*
- *Minimises habitat and species fragmentation and maximises opportunities to enhance and restore ecological corridors to connect natural habitats and increase coherence and resilience; and*
- *Promotes the restoration, management and expansion of priority habitats in the District; and*
- *Avoids damage to, protects and enhances the special characteristics of internationally designated Special Protection Areas, Special Areas of Conservation; nationally designated Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty; and locally designated Sites of Nature Conservation Importance, Local Nature Reserves and Ancient Woodland or to other areas identified as being of nature conservation or geological interest, including wildlife corridors, aged or veteran trees, Biodiversity Opportunity Areas, and Nature Improvement Areas.*
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Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

Valued soils will be protected and enhanced, including the best and most versatile agricultural land, and development should not contribute to unacceptable levels of soil pollution.'

Paragraph 193 of the NPPF states:

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

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

proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 67 and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

The Council's Ecologist has been consulted on the application and has provided the following comments:

'We have reviewed the documents submitted by the applicant, but no information relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures has been submitted.

We have also reviewed the information submitted relating to mandatory biodiversity net gains. This includes the Baseline Map, the Post-development Plan, the BNG Statement and the Statutory Small Sites Biodiversity Metric (July 2024). We note that no photographs of the site have been included as supporting information.

We note from the Baseline Map and Statutory Small Sites Biodiversity Metric (July 2024) that the only habitats onsite are vegetated garden, artificial unvegetated - unsealed surface, developed land - sealed surface, native hedgerow associated with bank or ditch and non-native and ornamental hedgerow. The Statutory Small Sites Biodiversity Metric (July 2024) states that 70.36m of the 90.71m native hedgerow will be retained with 20.35m being enhanced; and the non-native hedgerow is being retained. Therefore, we accept that no further ecology information is required.

We are satisfied that there is sufficient ecological information available for determination. However, please note we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

This provides certainty for the LPA of the likely impacts on protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended).

With regard to mandatory biodiversity net gains, it is highlighted that we support the submitted Baseline Map, the Post-development Plan, the BNG Statement and the Statutory Small Sites Biodiversity Metric (July 2024). Biodiversity net gains is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 and we are satisfied that submitted information provides sufficient information at application stage. We note that the BNG Statement indicates that the number of area habitat units will increase by 0.0710 (11.01%) and the number of hedgerow units will increase by 0.0758 (10.15%). As a result, a Biodiversity Gain Plan should be submitted prior to commencement, which also includes the following:

- The completed metric calculation tool showing the calculations of the pre-development and post-intervention biodiversity values.*
- Pre and post development habitat plans.*
- Legal agreement(s)*
- Biodiversity Gain Site Register reference numbers (if using off-site units).*
- Proof of purchase (if buying statutory biodiversity credits at a last resort).*

In addition, a Habitat Management and Monitoring Plan (HMMP) should be secured for all significant on-site enhancements. However, we note that the post-intervention values have been provided and that no significant on-site enhancements are proposed in the proposals. As a result, we are satisfied that HMMP is not likely to be required by legal obligation or a condition of any consent for a period of up to 30 years.

We also recommend that reasonable biodiversity enhancements for protected, Priority and threatened species (such as bird or bat boxes) should be identified and implemented to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.'

Nature Space Partnership have not been consulted on the application as the proposal does not meet the consultation criteria.

It is therefore considered that the proposal is acceptable on ecology terms subject to condition. It is therefore considered that this proposal would also comply with the aims of policy DP38 of the Mid Sussex Plan and the NPPF.

Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under the statutory framework for biodiversity net gain this application is deemed to have been granted subject to the biodiversity net gain condition for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

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

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

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

CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Ansty and Staplefield Neighbourhood Plan.

Courts have confirmed that the Development Plan must be considered as a whole, not simply in relation to any one individual policy. It is therefore not the case that a proposal must accord with each and every policy within the Development Plan.

The proposal is considered to be acceptable in principle, appropriate in terms of the character of the area, would not impact on the AONB, would not cause harm to the amenities of neighbouring properties and acceptable in terms of biodiversity and the impact on the highway. Therefore, the proposal complies with Mid Sussex District Plan policies DP12, DP16, DP21, DP26 and DP38, policy AS3 of the Ansty and Staplefield Neighbourhood Plan and the relevant provisions of the NPPF. The application therefore accords with the Development Plan and is considered acceptable.

Decision: Permission

Case Officer: Katherine Williams