

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1857	Case Officer:	Rachel Richardson
Application Type:	Change of Use Application		
Proposal:	Retrospective change of use from agricultural land to residential garden land, including proposed erection of fencing. Retrospective change of use of the barn (including external alterations and porch extension) , workshop/stable (including linked extension to barn) and maintenance store, all to residential ancillary accommodation.		
Site:	Shepherds Cottage, Stuccles Farm, Twineham Lane, Sayers Common, Hassocks, West Sussex, BN6 9JF,		
Validation Date	27 May 2026	Overall Expiry Date:	20 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	15 Sep 2026
Target Date:	22 Jul 2026	Recommending Officer Signature:	<i>Rachel Richardson</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	17 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1857

Shepherds Cottage, Stuccles Farm, Twineham Lane, Sayers Common, Hassocks, West Sussex, BN6 9JF

Retrospective change of use from agricultural land to residential garden land, including proposed erection of fencing. Retrospective change of use of the barn (including external alterations and porch extension) , workshop/stable (including linked extension to barn) and maintenance store, all to residential ancillary accommodation.

Mrs Daisy Honeybunn

SUMMARY OF REPRESENTATIONS

None.

SUMMARY OF CONSULTEES

Southern Water: South East Water is the statutory area for water supply. Notwithstanding this a condition is recommended for details to be submitted and approved by the LPA in relation to surface water run off disposal.

Ecology: No objection.

NatureSpace Partnership: No objection given this is a retrospective application.

TOWN/PARISH COUNCIL OBSERVATIONS

Hurstpierpoint and Sayers Common Parish Council: No objection despite the disappointment of the works being retrospective.

INTRODUCTION

Permission is sought for the retrospective change of use from agricultural land to residential garden land and retrospective change of use of the barn (including a porch extension and external alterations) to a dwelling to be used for ancillary purposes, stable building (with linked extension to the barn) and maintenance store, all for residential use to be used for ancillary purposes to Shepherds Cottage. The proposal also includes the erection of fencing between the defined residential curtilage and agricultural land.

RELEVANT PLANNING HISTORY

HP/025/92 - Partial rebuild and remedial works following subsidence. Permission 15.05.1992

05/00422- Proposed conversion of a one-bedroomed bungalow into a two bedroomed bungalow (amended description). Permission 15.04.2005

DM/22/2974 - Retrospective application for retention of a new shed to house tractor and agricultural machinery. Hardstanding to existing field access and agricultural machinery parking area and paths associated with agricultural use. Permission 18.11.2022

DM/22/3091 - Retrospective planning application for the retention of a new boundary wall and drive access position with associated gate posts and gates. Permission 18.11.2022

DM/23/2437 - Existing barn used for domestic ancillary use. Building works carried out to facilitate continued domestic ancillary use. Repairs and maintenance to oak structure, render and brickwork.

Introduction of windows, doors, floor and services to make the domestic ancillary use thermally viable.
Withdrawn 21.12.2023

SITE AND SURROUNDINGS

The application site relates in part to a dwelling and domestic curtilage, with converted stable/workshop and barn to the southeast and east of the bungalow respectively. A tractor store (garage) lies to the eastern side of the barn with a five-bar gate which provides a secondary vehicular access in addition to the primary access to Shepherds Cottage. Landscaping has taken place between the tractor store and barn with a footpath linking the buildings. There is a further building directly south of Shepherds Cottage.

A neighbouring dwelling (within the applicants ownership) lies to the west (Longhovel), with open countryside to the north, east and south. Shepherds Cottage is a bungalow which is constructed from flint walls with brick detailing and a clay tiled roof. The other surrounding buildings are constructed with similar external materials, while the converted barn has an exposed timber frame with cream coloured render walls and clay tiled roof.

The site is accessed down a long private single lane road, which also serves a few other properties. This is a rural location surrounded by fields.

For the purposes of planning policy the application site is located in the countryside as defined in the Mid Sussex District Plan and is within the Hurstpierpoint and Sayers Common Neighbourhood Plan Area. There are PR'sOW skirting the southern, and part of the eastern boundary.

APPLICATION DETAILS

The application has been amended to ensure that all of the unauthorised works are now included. Planning permission is being sought for the following:

- o Retrospective change of use from agricultural land to residential curtilage
- o Retrospective change of use from barn to a dwellinghouse to be used for ancillary purposes.
- o Retrospective permission for a two-storey porch extension to the barn and external alterations including new fenestration
- o Retrospective permission for change of use from stable/workshop (to ancillary residential use) with extension adjoining the barn
- o Retrospective change of use of the tractor store to ancillary residential use (for a garage and storage)
- o Proposed erection of a timber post and rail fence between the residential curtilage and agricultural land.

Change of use of agricultural land to residential curtilage

The proposed location and block plans showing proposed fencing (101 B) illustrates the layout and arrangement of buildings within the proposed residential curtilage area defined by the existing and proposed boundary treatment.

Change of use from a barn to a dwellinghouse to be used for ancillary purposes, two storey porch extension, single storey extension and external alterations. Building No 2 on proposed site plan

The proposed barn conversion is a self-contained dwelling in terms of the facilities within. It has a kitchen, utility room, shower/w.c and living area.

Alterations were carried out in 2017 to convert the barn to a residential living area to be occupied as ancillary accommodation to Shepherds Cottage. The drawings show that before 2017 the barn was an oak framed structure with lime render infill panels over a dwarf brick wall with a plain clay tile roof. It had an opening from the east to the western side with a five bar gate either side.

In 2017 the five bar gated thoroughfare/passage was replaced and infilled on both sides of the barn with timber cladding, and a single door was installed on the western elevation. Four glass panels were

installed at first floor on the eastern side and two at ground floor to the west. All of the lime render infill panels were replaced on the northern elevation with glass.

The post 2017 drawing shows the addition of the two storey gable projection to create an entrance porch with sitting area at first floor. It has a double oak solid door and glazing at first floor. Other square windows at first and ground floor have also been installed in this elevation. This has also been the case on the eastern (rear) elevation which includes two glass doors.

The drawing numbered 106 Rev B, shows the existing single storey extension to the southern side of the barn which adjoins the workshop/stable building. This extension facilitates the utility room and shower/w.c. The linked extension to the barn does not provide internal access to the workshop/stable building.

Change of use from stable/workshop used as a music room/storage for ancillary residential purposes. Building No 3 on proposed site plan

The drawings show that the workshop/stable conversion in 2022 has replaced a garage door (double door) with a single door on the side, western elevation (which is accessed outside of the curtilage). The northern elevation has also undergone alterations removing three glazed horizontal windows and replacing with a double, part glazed door and single, part glazed door. The three painted softwood panels have been replaced with vertical lime render infill panels.

Change of use of tractor store for ancillary purposes used as a garage and residential ancillary storage. Building No 6 on proposed site plan

This building received planning permission under DM/22/2974 for a tractor and agricultural machinery store. The approved drawings for this permission are different from the building that has been constructed which now has a single door opening in the centre of the building on the north and southern elevations instead of a double open thoroughfare. The approved east and western elevations were also timber boarded hinged double doors which is not what's been constructed. The elevations have been constructed with narrow lime render infill panels not as approved. The approved red line boundary under DM/22/2974 is also not what's been carried out and now includes a larger area and the gravel driveway to the north of the five bar gate as shown on drawing no 111 Rev A. The area around this building is maintained and landscaped with manicured lawn and shrubs and planting and a paved footpath leading into the matching courtyard area with the other buildings. This is as approved under DM/22/2974.

Proposed Erection of boundary treatment

The amended proposed location and block plans (101 Rev B) show the red and blue edged boundary lines. Drawing no. 108 B illustrates the proposed and existing post and rail enclosure defining the separation between the residential curtilage and agricultural land.

Other, No 4 building on proposed site plan

This building is also used for ancillary residential accommodation and has a bedroom and bathroom inside.

The supplementary planning statement provides background detail.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

Specifically Section 70 (2) of the Town and Country Planning Act 1990 states:

'In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to application,*
- b) Any local finance considerations, so far as material to the application, and*

c) Any other material considerations.'

Section 38(6) Planning and Compulsory Purchase Act 2004 provides:

'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

The requirement to determine applications "in accordance with the plan" does not mean applications must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole. This reflects the fact, acknowledged by the Courts, that development plans can have broad statements of policy, many of which may be mutually irreconcilable so that in a particular case one must give way to another.

Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and Hurstpierpoint and Sayers Common 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
DP15: New Homes in the Countryside
DP17: Ashdown Forest SPA and SAC
DP26: Character and Design
DP34: Listed Buildings and Other Heritage Assets
DP38: Biodiversity

Site Allocations DPD

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

Relevant policies.

None.

Neighbourhood Plan

Hurstpierpoint and Sayers Common Neighbourhood Plan was made on 19 March 2015.

Relevant policies:

Policy Countryside Hurst C1 Conserving and Enhancing Character

Other Legislation

Countryside and Rights of Way Act (CRoW) 2000

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 is currently at Examination with initial hearings held in February/March 2026. The Council is consulting on Main Modifications which are required to ensure the plan is legally compliant and sound. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

- o DPN1: Biodiversity, Geodiversity and Nature Recovery
- o DPC1: Protection and Enhancement of the Countryside
- o DPC3: New Homes in the Countryside
- o DPC6: Ashdown Forest SPA and SAC
- o DPB1: Character and Design
- o DPB2: Listed Buildings and Other Heritage Assets

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (August 2026)

Policy S5: Principle of development outside settlements. The list in A-J describes what may be acceptable, unless the benefits of approving the development is substantially outweighed by any adverse effects when assessed against the national decision making policies in the NPPF.

Chapter 6, Delivering a Sufficient Supply of Homes, refers to isolated homes in the countryside in Policy HO11. Para 1 (c) states, inter alia, that development proposals for isolated homes in the countryside should only be supported where the development would reuse a redundant or disused building and enhance its immediate setting.

Chapters 14 (Achieving Well Designed Places) and 20 (Conserving and Enhancing the Historic Environment) are also relevant. Policy HE7 refers to decisions on non-designated heritage assets. Para's 2 and 3 are relevant to this application. Para 2 refers to making a balanced judgement and assessing the scale of any harm or loss and the significance of the NDHA. This should be weighed against the benefits of the proposal. Para 3 relates to where the proposal would result in substantial harm and it should only be supported where the harm or loss of the NDHA is outweighed by the benefits in relation to the scale of the harm or loss and the significance of the NDHA.

ASSESSMENT

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

- o Principle
- o Design and Impact on Heritage Assets

- o Impact on Residential Amenity
- o Sustainability
- o Ashdown Forest
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Principle

The starting point are the relevant policies in the adopted development plan which comprises the Mid Sussex District Plan and Hurstpierpoint and Sayers Common Neighbourhood Plan.

DP12 of the Mid Sussex District Plan in part states:

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

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

Policy C1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan contains a similar ethos. It comprises an appropriate countryside use, and it maintains or where possible enhances the quality of the rural and landscape character of the Parish area.

DP15 permits new homes in the countryside where special justification exists and this can include the re-use and adaptation of rural buildings. New 'granny annexes' that are physically separate from the dwelling are defined as a new home. The re-use and adaptation of rural buildings for residential use in the countryside will be permitted where it is not a recently constructed building and leads to an enhancement of the immediate setting and the quality of the rural and landscape character of the area is maintained.

The above policies, are however, afforded very limited weight because they are materially inconsistent with the national decision-making policies in the NPPF (2026).

With this being the case, it is necessary to consider any other material considerations. The relevant policies in the NPPF are set out above.

Policy N2: Improving the Natural Environment states, inter alia, that development proposals should, consider the environmental qualities of land proposed for development which includes the landscape character and natural beauty of the countryside.

Policy S5: Principle of development outside settlements allows for *'the re-use, extension, alteration or replacement of an existing building, provided that the existing building is of permanent and substantial construction, is lawful in planning terms, and any extension or alteration will not result in a disproportionate increase in size compared to the existing building.'* The NPPF confirms that the existing building is the property as existing on the date of the publication of the NPPF (August 2026).

Policy HO11: Isolated Homes in the Countryside, supports proposals for isolated homes under (C) where the development would re-use a redundant or disused building and enhance its immediate setting.

Remedial works were granted permission in 1992 to Shepherds Cottage and the approved drawings outline a rectangular curtilage area to the north and rear of the cottage. The mapping system shows an irregular pale-yellow area which is replicated on the proposed location plan submitted with this application. This pale-yellow area on the mapping system surrounds and lies between existing buildings indicating the curtilage associated with Shepherds Cottage. The garden space between buildings and around the pond is considered to represent a proportionate amount of amenity space and the historic

applications indicate that this arrangement and layout has been in situ a number of years. The drawings now indicate existing and proposed fencing to delineate the garden area around the domestic buildings.

As such, it is considered that the retrospective proposed change of use of the garden to the north of the cottage would maintain the intrinsic character and beauty of the countryside and is compliant with policies DP12 and C1 of the NP and the NPPF.

The retrospective change of use of the barn and stable building to the east and south of the cottage for uses ancillary to the cottage are also considered acceptable in principle.

These existing buildings, in terms of their siting they lie within the curtilage (pale yellow area shown on the mapping system) of the cottage and as described above. They share a garden area between the buildings which is maintained, landscaped and of domestic character and appearance.

The barn situated to the east of Shepherds Cottage, is an existing building which was adapted for ancillary purposes and is now being re-used as extra living accommodation for the applicant's family when they visit. It is also additional accommodation to provide further accommodation to the bungalow. The applicants have extended the barn at the front and side but these extensions are proportionate to the scale and floor area of the original barn. DP15 allows for the re-use of rural buildings where it would lead to an enhancement of the immediate setting and the quality of the rural landscape character is maintained. While this policy carries very limited weight it has a similar ethos to NPPF policies S5 and HO11.

The workshop/stable building is utilised as a music studio and office area with toilet facilities. It is not intended to be occupied independently from the cottage and is used for ancillary purposes. The lawful development certificate submitted under DM/23/2437 confirms that internal and external alterations had been carried out in 2017.

The retrospective change of use of tractor store for ancillary purposes, now used as a garage and residential ancillary storage is also considered to be acceptable in principle and in accordance with DP12, C1 and the NPPF.

Essentially, the main changes to this building compared to what was granted under DM/22/2974, is that it is being used for domestic and ancillary purposes. It also has elevational differences in terms of its appearance compared to what was previously approved. The landscaping around it though is the same as permitted under DM/22/2974. Although, the approved red line boundary under DM/22/2974 is also not what's been carried out and now includes a larger area and the gravel driveway to the north of the five-bar gate as shown on drawing no 111 Rev A. However, for the reasons mentioned above, the enlarged curtilage area so considered to maintain the quality of the rural landscape character and is compliant with DP12, C1 and the NPPF.

Design and Impact on Heritage Assets

DP26 refers to character and design and the need for development proposals to be of a high quality in terms of design and layout including appropriate landscaping and greenspace. Relevant to this application the policy also requires that open spaces, trees and gardens that contribute to the character of the area, should be protected.

Although part of the adopted development plan, policy DP26 does however carry very limited weight. This is because it is inconsistent with the NPPF 2026.

Section 14 of the NPPF refers to achieving well-designed places. Policy DP3 states that development proposals should respond to their context in terms of the history, character and features of their site and it's setting so that they integrate with and enhance their surroundings. This includes through the use of materials and architectural features, and the restoration, reuse and integration of heritage assets.

For the reasons mentioned above it is considered that in terms of design and character the change of use of the agricultural land to residential curtilage and the reuse of the barn and garage/tractor store are integral to the character of its rural surroundings. It appears as a comprehensive unit with a collection of

domestic rural buildings. The materials used across the site are cohesive in their appearance and traditional, reflecting the vernacular of Sussex buildings.

DP34 refers to other heritage assets and that the Council will seek to conserve heritage assets in a manner appropriate to their significance. Significance can be defined as the special interest of a heritage asset, which may be archaeological, architectural, artistic or historic. However, this policy has very limited weight because it is inconsistent with the NPPF.

Policy HE7 in Chapter 20 (Conserving and Enhancing the Historic Environment) refers to decisions on non-designated heritage assets. Para's 2 and 3 are relevant to this application. Para 2 refers to making a balanced judgement and assessing the scale of any harm or loss and the significance of the NDHA. This should be weighed against the benefits of the proposal. Para 3 relates to where the proposal would result in substantial harm and it should only be supported where the harm or loss of the NDHA is outweighed by the benefits in relation to the scale of the harm or loss and the significance of the NDHA.

The Council's Conservation Officer has concluded that the proposal is harmful to the significance of the Shepherds Cottage historic farmstead, resulting in a mid-high level of harm to an NDHA of a mid level of interest within the local context. Paragraph 216 of the NPPF will apply (in this case Policy HE7 is relevant). The proposal is also contrary to the relevant Historic England guidance on the adaptive re-use of traditional farm buildings.

The Conservation Officer has commented that:

'Newhouse Farm is located a short distance to the west of the site. The farmhouse and an associated granary building are Grade II listed; however, due to intervening topography and screening, and a lack of any immediately apparent relationship of function between the two farmstead, I would not consider that the current proposal affects the settings of these buildings.'

The house at Shepherds Cottage is a single storey flint and brick building with a hipped tiled roof. The original outbuilding to the south, which back directly onto the access lane, is of a similar flint and brick construction. The barn to the east is of timber framed construction, again typical of traditional Sussex buildings of this type of the 19th century or earlier. Further information such as a historic building survey would be required to comment more specifically on the date or level of interest of these buildings, which have been altered on conversion to residential use, but they clearly represent a traditional farmstead of some age in the Sussex vernacular, employing local forms of construction and materials. I would consider that the farmstead represents an NDHA of at least a mid level of interest within the local context- this interest is enhanced by the group value of the buildings, and the level of survival of the buildings within the farmstead as shown on maps dating from the mid-late 19th century.'

The submitted planning statement suggests that the farmstead was previously associated with Stuccles Farm, which is to the south west; however historical map regression does not support any very obvious association prior to the mid 20th century- until this time there was no track connecting the two farms, and Longhovel Cottage was accessed solely by a track from Twineham Road passing Newhouse Farm to the east. Further information would be required to trace with any accuracy the history of ownership or tenancy of the Longhovel farmstead.'

The current proposal, which is retrospective, relates to the barn and an adjacent area of agricultural land, and is for alterations and extensions to the barn building to convert it to a separate residential unit, albeit one that is currently used as an annexe to the Cottage, alongside change of use part of the adjacent field to form an extension to the garden area. An outbuilding (possibly a former stable) adjacent to the barn has also been altered and extended to link it to the barn.'

These works raise a number of concerns in terms of the impact of the significance of the farmstead as an NDHA within the local context:

- *The principle of the conversion of the barn into a separate residential unit would require a robust justification, which has not been provided. This is because although the barn is currently in practice an annexe to the cottage, the site in future could be divided into two separate dwellings under different ownership or occupation, which would result in an intensification of use of the farmstead with further*

pressure for parking, boundary treatments subdividing the farmstead, and other domestic paraphernalia, all of which would be potentially harmful to its character. Without justification, this aspect of the proposal is regarded as contentious.

- The physical works to the barn, which appear to have taken place in a number of stages, are extensive and have been harmful to its character. In particular, the large 'porch' extension is a domesticating feature which in its form and detailed design detracts from the previously agricultural nature of the building. It has also removed any external appreciation of a key feature of buildings of this type, namely the barn door opening, which while altered remained clearly visible prior to works. In addition, the new window openings which have been added are inappropriate in their number, scale and design and again detract from the former character of the building. This work is also considered contentious.

- Although linking the barn to the adjacent outbuilding (former stable) may not be considered contentious in principle, the physical works to this building have also eroded its character by the introduction of domesticating features.

- The change of use of a part of the adjacent agricultural land to form an extension to the garden is also harmful to the NDHA through impact on setting, by eroding the rural character of this setting and introducing further domesticating features, including parking and other hard landscaping, and planting of a domesticated nature. This area includes a further outbuilding which has the benefit of retrospective planning permission as an agricultural storage building/tractor store, but is now also in ancillary domestic use.'

Notwithstanding the above, while it is accepted that the Conservation Officer has highlighted the development as resulting in a mid-high level of harm to a NDHA of a mid level of interest within the local context, this needs to be weighed against the benefits. It is necessary to assess the scale of the harm and the significance of the NDHA to arrive at a balanced judgement.

The original barn was a typical Sussex timber framed building which has been converted and extended for residential ancillary purposes. It is acknowledged that the barn has been altered quite extensively. However, the barn sits alongside other rural buildings within the holding/unit. In this regard it appears respectful and in keeping with the locality and as explained above a coherent approach has been taken in terms of the materials and landscaping. The scheme is not considered to be harmful to a scale which is considered significant and as such, on balance the harm or loss is outweighed by the benefits to the applicant which provides them with living accommodation and amenity which will function well over the lifetime of the development. It also provides a proportionate level of amenity which provides opportunities for healthy living.

The application is therefore considered to be compliant with DP34 and HE7.

Impact on Residential Amenity

DP26 refers to the development not causing significant harm to the amenities of existing nearby residents. This policy carries very limited weight because it is inconsistent with the NPPF. Policy P3 of the NPPF states that development proposals should be appropriate for their location taking into account the likely effects, on inter alia, living conditions.

It is considered that this application does (retrospective) maintains acceptable living standards for the applicant and neighbours (Longhovel). This is a rural location where there is a generous amount of space between buildings and the uses involved in the application are considered to maintain living conditions.

Sustainability

DP6 refers to Sayers Common as being a category 3 medium sized village providing limited essential services for its own residents and the surrounding community. However, whilst part of the adopted development plan this policy has very limited weight and the policy requires updating through the local plan review. It should however be noted that the location of the application address is not considered to be sustainable as it is not within proximity to local facilities. It is situated along a long single lane agricultural road which is unlit.

However, as said above the principle of residential re-use of a rural building is acceptable under policy DP15 and NPPF S5 for development outside settlements.

Ashdown Forest

Under the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), the competent authority - in this case, Mid Sussex District Council - has a duty to ensure that any plans or projects that they regulate (including plan making and determining planning applications) will have no adverse effect on the integrity of a European site of nature conservation importance. The European site of focus is the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

An overall Habitats Regulations Assessment has been undertaken for the planning application which includes the type of development proposed.

Recreational disturbance

Increased recreational activity arising from new residential development and related population growth is likely to disturb the protected near-ground and ground nesting birds on Ashdown Forest.

In accordance with advice from Natural England, the HRA for the Mid Sussex District Plan 2014-2031, and as detailed in District Plan Policy DP17, mitigation measures are necessary to counteract the effects of a potential increase in recreational pressure and are required for developments resulting in a net increase in dwellings within a 7km zone of influence around the Ashdown Forest SPA. A Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) mitigation approach has been developed. This mitigation approach has been agreed with Natural England.

This planning application does not result in a net increase in dwellings within the 7km zone of influence and so mitigation is not required.

Atmospheric pollution

Increased traffic emissions as a consequence of new development may result in additional atmospheric pollution on Ashdown Forest. The main pollutant effects of interest are acid deposition and eutrophication by nitrogen deposition. High levels of nitrogen may detrimentally affect the composition of an ecosystem and lead to loss of species.

It is considered that the proposed development will not lead to a significant increase in traffic across Ashdown Forest. There is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the types of development identified which includes this proposed development.

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

A full HRA (that is, the appropriate assessment stage that ascertains the effect on integrity of the European site) of the proposed development is not required.

Ecology and Biodiversity Net Gain

Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This planning permission is being granted on an application made under Section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out). This application is therefore exempt from the requirement to provide biodiversity net gain.

PLANNING BALANCE AND CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the NPPF. The Development Plan in this instance consists of the Mid Sussex District Plan, the Site Allocations Development Plan Document and the Hurstpierpoint and Sayers Common 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 planning balance concludes that the proposal is considered to be acceptable and it is recommended that planning permission be granted. In terms of policy it is considered that;

The proposal complies with:

- o Acceptable in principle in accordance with policies DP12, DP15, C1 of the NP, S3 S5, N2 and HO11 of the NPPF.
- o DP17 (has full weight) to prevent adverse effects on the Ashdown Forest SAC and SPA.
- o In terms of residential amenity it is appropriate to its location in accordance with DP26 and NPPF policy P3.
- o In terms of biodiversity, this is a S73A application for works that have been carried out retrospectively (save for part of the boundary treatment). As such, the proposal is compliant with policies DP38 and N6 of the NPPF.

The proposal conflicts with:

- o The Conservation Officer concluded that the proposal would result in a mid-high level of harm to a NDHA of a mid level of interest within the local context. However, in order to arrive at a balanced judgement this needs to be weighed against the benefits. It is considered that the scale of the harm (partly due to its being retrospective and other permissions for the tractor store) is not significant and the materials used are traditional and in keeping with the vernacular of other buildings in this rural location. There are benefits to the applicant albeit these are low key. Therefore, on balance it is considered to comply with DP34 and HE7.

Given the above, it is recommended that permission be granted subject to planning conditions.

Decision: Permission

Case Officer: Rachel Richardson