

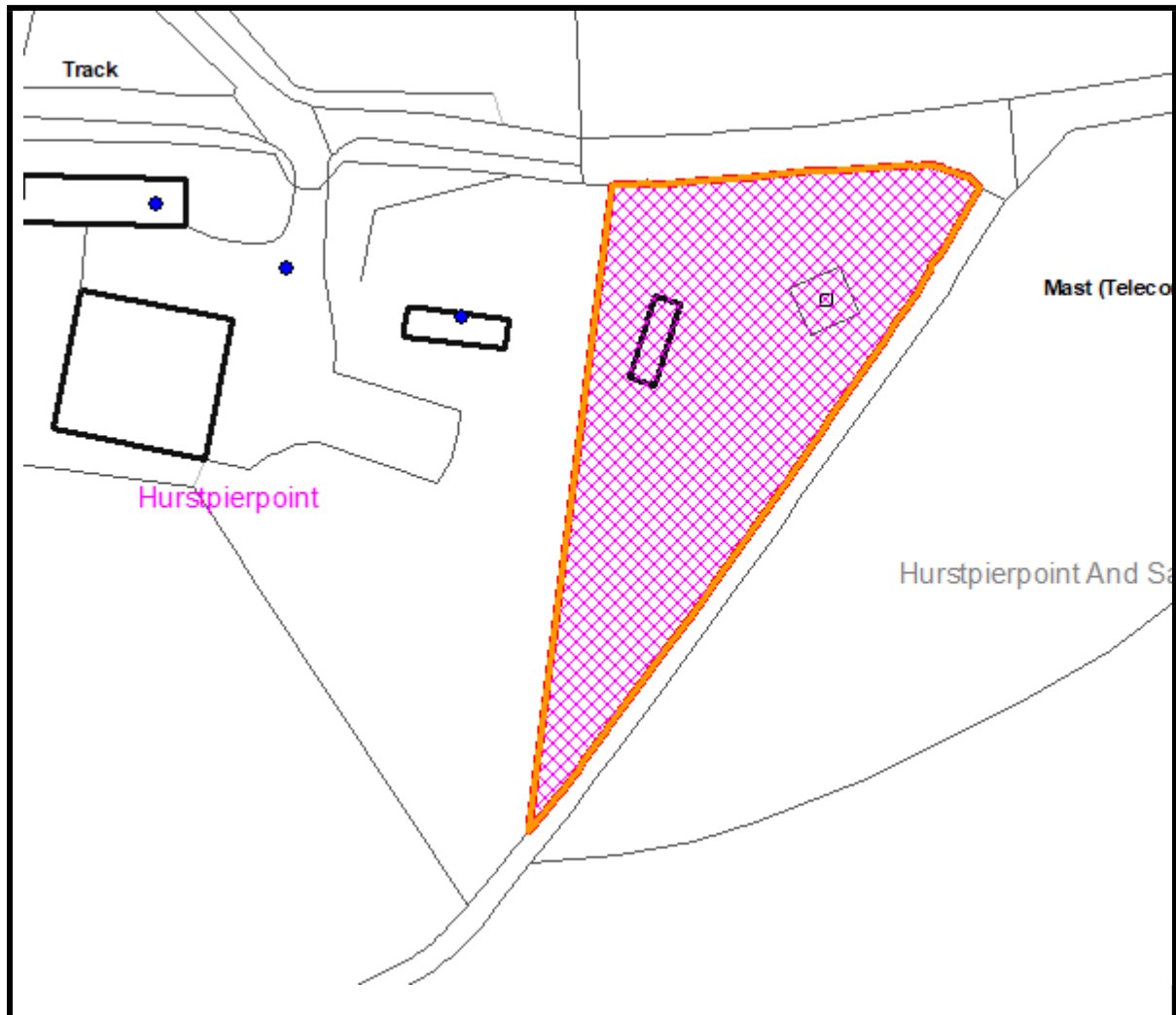
Planning Committee



Recommended for Permission

9th October 2025

DM/25/1549



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Site:	Land Adjacent To The Meadows Little Park Farm Marchants Close Hurstpierpoint Hassocks
Proposal:	Single proposed dwelling
Applicant:	Emma Poland
Category:	Minor Dwellings
Target Date:	12th September 2025
Parish:	Hurstpierpoint And Sayers Common

Ward Members:	Cllr Alison Bennett / Cllr Rodney Jackson /
Case Officer:	Anna Tidey

Link to Planning Documents:

<https://pa.midsussex.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SXY56HKT0D200>

1.0 Purpose of Report

- 1.1 To consider the recommendation of the Assistant Director for Planning and Sustainable Economy on the application for a Permission in Principle as detailed above.

2.0 Executive Summary

- 2.1 This application seeks Permission in Principle (PiP) for a single proposed dwelling on land adjacent to a property known as The Meadows, at Little Park Farm, off Marchants Close in Hurstpierpoint.
- 2.2 The application is being reported to Committee as two of the Ward Councillors have requested that this application is considered by the Planning Committee.
- 2.3 Issued in support of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, the Ministry of Housing, Communities and Local Government Guidance on Permission in Principle (published 28 July 2017 updated March 2019) sets out matters within the scope of a decision, which are limited to: 'location, land use and amount of development'.
- 2.4 The application should therefore only take into consideration issues relevant to these 'in principle' matters. Other matters should be considered at the technical details stage.
- 2.5 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 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.
- 2.6 While the proposal conflicts with some policies in the development plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that while this proposal is for only one new dwelling, it would still contribute to the Council's much needed housing supply and make effective use of the land.
- 2.7 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP21 and DP26.

- 2.8 Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. There is partial conflict with District Plan Policy DP12 and HurstC1 of the Neighbourhood Plan, but in principle, the proposal could maintain the quality of the landscape character.
- 2.9 Consideration has been given to the potential impact of the development of a dwelling on this site upon the wider setting of the Grade II* Listed Building at Little Park. It is considered that the impact is limited, due to the distance of the site, the intervening natural screening and the presence of other neighbouring buildings
- 2.10 As a result of the partial conflict with policy DP12, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.
- 2.11 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.
- 2.12 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.
- 2.13 When undertaking the balancing exercise, the following benefits, harms and neutral impacts are as follows:
- 2.14 In terms of the scheme's benefits, the proposal would form one dwelling. Socially, the provision of the new dwelling will bring about positive impacts to the local community. The provision of a net increase of one dwelling on the site would make a minor contribution to the district's housing supply, which is a positive impact. The proposal would also result in construction jobs over the life of the build and an increased population likely to spend in the community. The proposal would also result in a new homes bonus. Environmentally, the proposed development is sustainably located within close proximity to facilities, services and public transport. These are positive considerations in the planning balance.
- 2.15 While the proposal conflicts with some policies in the development plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that, while this is only one new dwelling, it would still contribute to the Council's much needed housing supply and make effective use of the land.
- 2.16 The neutral impacts relate to the impact on Ashdown Forest.

- 2.17 In weighing up these issues, when taken together, it is your Planning Officer's view that having regard to paragraph 11d of the NPPF, that the adverse impacts of granting consent would not significantly and demonstrably outweigh the benefits of this development.
- 2.18 In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome the proposal's conflict with the development plan.
- 2.19 There are no other material considerations that would alter the above planning balance. It is considered that the planning balance falls significantly in favour of granting planning permission in principle.

3.0 Recommendation

- 3.1 It is recommended that permission in principle be granted subject to the condition listed at Appendix A.

4.0 Summary of Representations

- 4.1 Four representations received, one from the Hurstpierpoint Society, which contain the following objections to the proposal, and one submitted from a Planning Consultant on behalf of neighbours to the site:

- The Hurstpierpoint Society aims to protect and conserve the natural and built environment of the village and surrounding area.
- The application would detract from the setting of Little Park Farm, a Grade II* heritage asset.
- Fails to comply with District Plan Policies DP6, DP12, DP15 and DP34.
- Fails to comply with NP Policies Hurst C1, C3 and H1.
- Impact upon views from Hurst Meadows
- Impact upon the semi rural character of the area.
- The proposed dwelling would be sited outside the curtilage of The Meadows, in the designated paddock land.
- Reference to recent Appeal Inspectors comments.
- Adjacent property purchased on the understanding that the development consisted of three homes: The Old Dairy, The Meadows and on the footprint of the Dutch Barn in a farmstead setting.
- Increased use of the shared access will increase burden of maintenance, deteriorate the road, increase safety concerns and cause conflict over responsibility.
- Adverse impact of development upon wildlife, trees and the environment.
- Outside the built-up area, where the principle of development should be resisted.
- Not a comprehensively designed scheme
- Piecemeal approach, 'tacked on' to the adjoining development.
- Will led to a cramped and overdeveloped site.
- The application site is not included in any site allocation.
- The site is not contiguous with the built up area boundary
- The site adjoins open countryside on the north, east and south sides.
- Inappropriate incursion into the open countryside, further erode and harm the character of the locality.

- There is no visual benefit to the development.
- Provision of 1 house would have a negligible impact upon housing supply within Mid Sussex.
- The proposal conflicts with well established local and national planning policies and should be refused.

A further representation has been received on behalf of the residents of Little Park, which contains the following additional points:

- the development site forms a critical remaining buffer between the built development and the wider countryside.
- The urbanisation will have a huge detrimental impact on the setting of Little Park, something the current owner has invested in heavily to preserve, maintain and enhance.
- The site, adjacent to the upper meadow, is the only remaining area of countryside.
- domestic architectural typology (black cladding and unsympathetic orange roof tiles).
- The proposed dwelling would completely surround and encapsulate Little Park with built form, so harmful to exceptional listed property and setting with massive heritage value and local importance.
- As evidenced by recent additions, any scheme which is approved will be subject to further additions including first floors, dormer window, porches, closed board fencing which will erode the setting, compartmentalise, urbanise and domesticate the site.
- a heritage report to assess the impact upon Little Park will be submitted ahead of the committee meeting.

5.0 Summary of Consultees

West Sussex Highways Authority

No Highway objection to the principle of a single dwelling in this location. There is a Public Right of Way (PROW) HSC 63HU running on the southeastern boundary of the site, this applicant will need to be mindful of this in any full applications submitted.

Southern Water

The development site is not located within Southern Water's statutory area for water supply services. Please contact South East Water who are the relevant statutory undertaker.

Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

South East Water

No comments received.

Historic England

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

MSDC Flood Risk & Drainage Team

The site is in fluvial Flood Zone 1 and in an area at very low risk from surface water flooding in the present day.

No information on how surface water drainage or foul drainage is to be managed at the site has been provided.

MSDC Conservation Officer

In my opinion, the principle of a new dwelling on this site is contentious. The proposal would result in a change in the character of the site, which should be retained as an open paddock, to a residential development with access, parking and other hard and soft landscaping, and pressure for further domesticating development, eg. Garaging/outbuildings. This will remove and reverse the positive contribution which the site currently makes to the setting of Little Park, to the detriment of its special interest.

It is considered that the proposal will be contrary to the requirements of District Plan Policy DP34. In terms of the NPPF, the proposal would result in less than substantial harm, through impact on setting, to the special interest of the listed building and how this is appreciated. Without a fully developed scheme it is difficult to be more precise about the level of harm resulting, but I would expect it to fall at around the low-mid point of the less than substantial scale. Under paragraph 215 of the NPPF this harm would stand to be weighed against the public benefits, if any, of the proposal, bearing in mind the great weight which must be attached under paragraph 212 to the conservation of the asset, which would be enhanced by II* status of the listed building.

NatureSpace (Great Crested Newts)

No ecological information has been submitted with the application. The site falls within a red impact risk zone, and the closest pond is 100m to the west of the development boundary and there are historical records of great crested newts utilising the landscape surrounding the development and nearby ponds.

To understand whether great crested newts could be using the pond and surrounding habitats, the ponds within 250m of the development need to be surveyed by a suitably qualified Ecologist.

Alternatively, should the applicant not wish to undertake surveys, Mid Sussex District Council have a District Licence scheme that the applicant can join to negate the need for delays associated with additional surveys.

MSDC Tree Officer

Whilst it is not demonstrated that harm will occur to existing trees, it may do so, depending on future details. Without the ability to assess this, I therefore object.

Of more concern is that the previous schemes cannot be fully implemented, and the benefits of additional landscaping and orchard areas, as well as buffer planting, all of which were part of the previous approved schemes, cannot be implemented. (Refs DM/21/2367 and DM/22/0204).

This is an important buffer, separating residential development from the countryside beyond, which should be retained in accordance with previous approvals.

MSDC Street Naming & Numbering Officer

Informative required concerning formal address allocation.

6.0 Hurstpierpoint and Sayers Common Parish Council Observations

The committee recommend MSDC should refuse the application for the following reasons:

- DP 34 – The proposed dwelling is detrimental to the rural setting of the Grade II* listed 'Little Park Farm'
- DP 12 – Protection and Enhancement of the countryside – the proposal does not align with the objectives of this policy
- Over development of the site. The original permission was granted with the understanding that the site had to maintain the original farmyard character. The addition of another property would significantly detract from this.
- We note that the developer has not complied with the enforcement notice related to the installation of fencing which has contributed to the urbanisation of the area and detracts from its rural character.
- The proposed dwelling is too close to mature trees, and would result in the plot falling within the construction exclusion zone in condition 16 of original planning.

7.0 Introduction

- 7.1 This application seeks Permission in Principle for a single dwelling to be built on land adjacent to a dwelling known as 'The Meadows' at the former Little Park Farmstead off Marchants Close in Hurstpierpoint.
- 7.2 The application is before members as in accordance with the Council's Constitution a Planning Chairman and the relevant Ward Members were consulted on the application and it was requested that the application be determined by the Planning Committee.

8.0 Relevant Planning History

- 8.1 The following applications have been made on land forming the wider site at the former farmstead and also on the property at The Meadows.

- 8.2 DM/25/0785. Proposed two storey extension on southern side elevation with gabled roof including two gabled dormers, a rooflight and a Juliette balcony. Addition of new gabled dormer on existing east facing roof slope to replace two rooflights, to serve an existing first floor bedroom. Refused June 2025. Appeal Lodged.
- 8.3 DM/25/0784. Proposed fencing. Approved July 2025.
- 8.4 DM/24/1406. Proposed two storey side extensions with juliette balcony to first floor also new and relocated dormers. Proposed two storey part single storey rear extension with juliette balcony to first floor. Refused August 2024.
- 8.5 DM/23/2001. Removal of Condition No. 14 of planning permission DM/22/0204. Refused October 2023. Appeal Dismissed under reference AP/24/0002 in April 2024.
- 8.6 DM/23/0891. Single-storey porch extension. Refused May 2023.
- 8.7 DM/23/0189. Removal of Condition 14 of planning application DM/22/0204 relating to The Meadows (Unit C). Withdrawn March 2023.
- 8.8 DM/22/3843. Proposed single storey porch extension. Refused February 2023. Appeal Allowed under reference AP/23/0037 in July 2023.
- 8.9 DM/22/2131. Variation of Condition 2 in relation to DM/22/0204. Approved August 2022.
- 8.10 DM/22/0204. Removal of former dairy, mobile home and other outbuildings and construction of 2 dwellings (revisions to approved scheme DM/21/2367) now including garages and alterations to eastern unit to accommodate rooms within the roof space. Approved April 2022.
- 8.11 DM/21/3720. Discharge of Condition 17 (contamination) and Condition 20 (ecology) relating to planning reference DM/21/2367. Approved December 2021.
- 8.12 DM/21/3341. Discharge conditions 3, 8, 9 and 11 of planning application DM/21/2367. Approved December 2021.
- 8.13 DM/21/2367. Removal of an existing barn, mobile home and other outbuildings. Construction of 3 dwellings. Approved September 2021.
- 8.14 DM/20/1533. Removal of an existing barn, mobile home and other outbuildings. Construction of 3 dwellings. Amended Plans received 16.06.2020. Refused October 2020. Appeal Dismissed May 2021.
- 8.15 DM/19/4153. Removal of an existing barn, mobile home and other outbuildings. Construction of three dwelling, 1x5 bedroom with detached garage, 1 x3 bedroom and 1 x2 bed bedroom. Refused January 2020. Appeal Dismissed May 2021.
- 8.16 DM/19/2344. Application for determination as to whether prior approval is required for the change of use of an agricultural building to 4 dwellinghouses and for associated operational development. Prior approval granted August 2019.

- 8.17 DM/19/0824. Remove existing barn, mobile home and other outbuildings for the construction of 4 dwellings with car ports. Refused May 2019.
- 8.18 14/00745/LDE. Application to site a caravan for domestic use. This is an application to establish whether the development is lawful: this will be a legal decision where the planning merits of the proposed use cannot be taken into account. Approved April 2014.
- 8.19 08/01417/FUL. Installation of 17.5m telecommunications mast, equipment cabinets and ancillary equipment with 6.5m by 6.5m compound. Approved August 2008.

9.0 Site and Surroundings

- 9.1 The triangular area of land which is identified as the site for the proposed dwelling under the current PIP application has an area of 0.16 hectares. The land is grassed and appears to be in use as part of the domestic curtilage associated with the dwelling at 'The Meadows'.
- 9.2 The Meadows is a modern, detached 5 bed dwelling located on a site formerly known as Little Park Farm. In the residential development of the site the dwelling was formerly referred to as Unit C. The property has been the subject of a series of applications to extend the building to add additional ground and first floor living space.
- 9.3 'The Meadows' and an adjacent completed dwelling at The Old Dairy (formerly referred to as Unit B) are located off a narrow-shared access track leading from the northern end of Marchants Close. This access track is shared with another residential property at North End House, which is located to the northeast of the site. The track also serves as a pedestrian route for occupiers of the houses at Idenhurst and allows public access to the public open space at Hurst Meadows to the east of the site.
- 9.4 A Dutch barn remains undeveloped on the former farmstead site, to the west of 'The Meadows', occupying the position of a further approved dwelling, known as Unit A. A vehicular access gate located in the site boundary, to the south of the Dutch barn, allows access into an extended garden area serving the adjacent Grade II* property known as Little Park. Beyond this there is a large private pond which is in the grounds of that property.
- 9.5 An extensive area of land to the east of the site adjacent to the access track is in use as Hurst Meadows Public Open Space. This land is allocated for use as public open space for informal recreation, referred to as Hurst Meadows in the Hurstpierpoint Neighbourhood Plan (Policy Amenities HurstA1: Hurst Meadows).
- 9.6 The application under DM/22/0204, for the development of the site, included a Landscape Plan (Drawing ref. 1166-21-02d). This showed the curtilage of the dwelling at The Meadows marked by a 1.2m high timber post and rail fence with indigenous hedge planting. This was shown to be erected between a designated garden space and a grassed paddock and orchard extending to the south and east of the property. To date this fence has not been erected and no delineation has occurred. The manicured garden space has extended over the area originally shown to be designated as a paddock and an orchard.

- 9.7 The eastern boundary of the land is enclosed with chain link fencing, running along the line of the boundary trees, which are growing along the boundary with the adjacent public open space. There are open public views into the site, and the land associated with The Meadows, from Hurst Meadows and from adjacent public footpath (HSC/63HU/2), the route of which follows the eastern boundary line.
- 9.8 The District Plan designates the site as countryside, located outside the designated built-up area of Hurstpierpoint. The site is not contiguous to the Built-up Area boundary of the village.

10.0 Application Details

- 10.1 This application seeks Permission in Principle for a single dwelling to be built on land adjacent to 'The Meadows', off Marchants Close in Hurstpierpoint.
- 10.2 Due to the type of application limited information has been provided. However, a location and site plan, an illustrative ground, first floor and roof plan, proposed elevations and two oblique views of the proposed chalet style dwelling and a supporting Planning Statement have been provided with the application. The position of the proposed dwelling on the land has not been detailed in the submissions.

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 District Plan, the Site Allocations Development Plan Document and the Hurstpierpoint and Sayers Common Neighbourhood Plan.
- 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 **Mid Sussex District Plan**

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

DP17- Ashdown Forest SPA and SAC

DP21- Transport

DP26- Character and Design

DP27- Dwelling Space Standards

DP29 - Noise, Air and Light Pollution

DP34 – Listed Buildings and Other Heritage Assets

DP37- Trees, Woodland and Hedgerows

DP39- Sustainable Design and Construction

DP41- Flood Risk and Drainage

11.9 **Site Allocations Development Plan Document**

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

There are not relevant policies.

11.10 **The Hurstpierpoint and Sayers Common Neighbourhood Plan**

The Hurstpierpoint and Sayers Common Neighbourhood Plan was formally made on 19th March 2018.

Relevant policy:

Policy HurstC1: Conserving and enhancing character of countryside

11.11 **Other Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990

11.12 **Other Material Considerations**

11.13 *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

DPN4- Trees, Woodland and Hedgerows

DPN7- Noise Impacts

DPC1- Protection and Enhancement of the Countryside

DPC3- New Homes in the Countryside

DPC6- Ashdown Forest SPA and SAC

DPB1- Character and Design

DPT4- Parking and EV Charging Infrastructure

DPH1- Housing

DPH2- Sustainable Development – Outside the BUA

DPH11 - Dwelling Space Standards

11.14 *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.

11.15 **National Planning Policy Framework (NPPF) (December 2024)**

11.16 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.

11.17 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.'*

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

11.19 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.'

11.20 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.'

11.21 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.

11.22 **National Planning Policy Guidance**

Permission in principle.

12.0 Assessment

- 12.1 Issued in support of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, the Ministry of Housing, Communities and Local Government Guidance on Permission in Principle (published 28 July 2017 updated March 2019) sets out matters within the scope of a decision, which are limited to: 'location, land use and amount of development' (NPPG Paragraph: 012 Reference ID: 58-012-20180615).
- 12.2 The application should take into consideration issues relevant to these 'in principle' matters; other matters should be considered at the technical details stage. A decision on whether to grant a permission in principle must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the NPPF and National Guidance, which indicate otherwise.
- 12.3 This means that matters such as siting, design, scale, accessibility, impact on neighbouring occupiers or impact on trees cannot be considered at this stage. They would however be considered at the technical details stage instead.
- 12.4 The application as submitted contains a Location Plan and a Site Plan denoting the extent of the application site, illustrative plans of a two-storey chalet style property along with an application form and a Planning Statement. The application proposes the erection of a single dwelling within the red outline.
- 12.5 Taking each of the matters for consideration in order:
- 12.6 **Location**
- 12.7 The application site is designated as being within the countryside. 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.
- 12.8 Policy DP6 of the District Plan 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.'*

- 12.9 The red line of the application site is not contiguous with the built up area boundary of Hurstpierpoint, but the site is considered to be close enough to the village centre and within easy walking distance of the High Street and local services, including the Primary School, which makes this a sustainable site for new residential development.
- 12.10 Policy DP15 of the District Plan 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
- 12.11 The proposed residential development does not meet any of these special justifications.
- 12.12 Policy Countryside Hurst C1 of the Hurstpierpoint and Sayers Common Neighbourhood Plan is also relevant in the determination of this application. This states:
- 'Development, including formal sports and recreation areas, will be permitted in the countryside, where:*
- It comprises an appropriate countryside use;*
 - It maintains or where possible enhances the quality of the rural and landscape character of the Parish area;*
 - In the South Downs National Park, policy HurstC2 will take precedent.'*

- 12.13 There are no other relevant policies in the District Plan, any other development plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site. The principle of the application conflicts with the development plan, in terms of what type of development is allowable under Policies DP6 and DP15.
- 12.14 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.
- 12.15 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.
- 12.16 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).
- 12.17 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.'

- 12.18 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.
- 12.19 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.
- 12.20 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.
- 12.21 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).
- 12.22 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.
- 12.23 Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies relate 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.

- 12.24 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.
- 12.25 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.
- 12.26 Neighbourhood Plan Policy HurstC1 seeks to conserve and enhance the character of the countryside. It states that development will be permitted in the countryside where it comprises an appropriate countryside use and maintains or enhances the quality of the rural and landscape character of the Parish area. While this policy seeks 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 Therefore the key test that must be undertaken when assessing this application is as set out within para 11(d) of the NPPF.
- 12.28 It is considered that whilst the proposal falls outside of the development boundary of Hurstpierpoint, the proposal is for a single dwelling set close to the development boundary and is next to two new dwellings on the former farmstead. The design and scale of the dwelling would be considered at the technical consent stage, however, it is considered that in this instance due to the location of the site that the proposal would maintain the character of the countryside in this part of Hurstpierpoint

- 12.29 The site is in Flood Risk Zone 1. Details concerning how the site would be drained if it were to be developed is a matter which would be considered at the technical matters stage.
- 12.30 The sustainability of a site is a consideration. The NPPF recognises that opportunities to maximise sustainable travel solutions will vary between urban and rural areas. It also encourages development to be focused on locations that limits the need for travel as set out with paragraph 115 of the NPPF. This aligns with the aims of Policy DP21 of the District Plan. As Policy DP21 accords with the aims of the NPPF, it can be afforded full weight. The site is within walking distance of the village centre of Hurstpierpoint village, albeit along a partly unlit shared access track from the former farmstead, until the point at which the track reaches Marchants Close, where there are regularly spaced street lights. The site would be accessible for local services and facilities in the village of Hurstpierpoint, with shops and a primary school within easy walking distance. As such any future occupiers would not be highly reliant on the use of motor vehicles to access local services as these could be accessed through sustainable means.
- 12.31 The principle of development is therefore deemed acceptable in relation to location. Matters relating to the above criteria will in part form consideration of 'amount of development' below. However, a more detailed assessment of matters such as the dwelling design, layout, construction materials and neighbouring amenity would be considered at the 'technical details consent' stage should permission in principle be approved.
- 12.32 **Land use**
- 12.33 The application site is located within the countryside. Previously developed land is defined within the NPPF as:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where

provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'

- 12.34 The application site cannot be considered as previously developed land as set out under the NPPF.
- 12.35 Two of the three residential dwellings that were permitted on the site under planning applications DM/21/2367 and DM/22/0204 have been constructed. The proposed development would result in a third dwelling on the former farmstead.
- 12.36 The proposed land use is considered to be acceptable as a sustainable form of development which accords with relevant NPPF guidance and would be within an enclave of development. Based on the surrounding residential properties, it is considered that the principle of the use of the site for residential purposes is acceptable.
- 12.37 **Amount of development**
- 12.38 In relation to amount of development and in the absence of specific national guidance that would undermine this approach, consideration will be given to matters which render the proposal for one dwelling on the site acceptable in principle.
- 12.39 In the absence of supporting information, the Local Planning Authority and relevant consultees have drawn on the resources available at the time of the application in order to inform their consideration of these matters.
- 12.40 In relation to the size and shape of the plot and its possibility to accommodate a single dwelling, Policy DP26 of the District Plan is relevant. This relates to 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 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.'*

- 12.41 Under a PiP application details of the scale and design are reserved for the technical details consent stage. However, it is considered that the size and shape of the plot is suitable to accommodate one dwelling whilst retaining adequate distances from the neighbouring residential property at The Meadows and providing adequate shared access and room for parking. The proposed size of the plot has potential to accommodate one dwelling. An appropriately designed dwelling would not cause harm to the wider character of the area.

- 12.42 It is acknowledged that there are a number of constraining features due to the triangular shape of the site, the size of the site and the presence of boundary trees that would affect the design and scale of any proposed dwelling. These matters would fall to be properly considered as part of the technical detail consent stage. It should be noted that the Local Highways Authority have raised no highway objection to the principle of a single dwelling in this location.
- 12.43 Taking into account, the above it is considered that the proposed single dwelling could potentially be accommodated on the site in principle and as such the proposal could comply with Policy DP26 of the Mid Sussex District Plan.

12.44 Impact on designated heritage assets

- 12.45 Little Park is a Grade II* property which is sited to the west of the application site. That property has an extended garden area with a large private pond in the grounds. The site, subject of this permission in principle, is set some 109 metres away from the listed property, and within the grounds and the garden of The Meadows. The Grade II* listed building status of the ex-farm house building at Little Park gives that property a high degree of significance, being one category lower than a Grade I Listed building. Taken together Grade I and Grade II* Listed buildings account for just 8% of all listed buildings, with Grade II Listed Buildings accounting for 92% of all listed buildings.
- 12.46 Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 'In considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'
- 12.47 In addition, in enacting section 66(1) of the Listed Buildings Act, the desirability of preserving the settings of listed buildings should be given 'considerable importance and weight' when the decision taker carries out the balancing exercise, thus properly reflecting the statutory presumption that preservation is desirable.

- 12.48 Given the proximity of the development site to Little Park District Plan Policy DP34 is relevant in the determination of this application. This requires development to protect listed buildings and their settings, and states:

‘Development will be required to protect listed buildings and their settings. This will be achieved by ensuring that:

- A thorough understanding of the significance of the listed building and its setting has been demonstrated. This will be proportionate to the importance of the building and potential impact of the proposal;*
- Alterations or extensions to a listed building respect its historic form, scale, setting, significance and fabric. Proposals for the conversion or change of use of a listed building retain its significance and character whilst ensuring that the building remains in a viable use;*
- Traditional building materials and construction techniques are normally used. The installation of uPVC windows and doors will not be acceptable;*
- Satellite antennae, solar panels or other renewable energy installations are not sited in a prominent location, and where possible within the curtilage rather than on the building itself;*
- Special regard is given to protecting the setting of a listed building;*
- Where the historic fabric of a building may be affected by alterations or other proposals, the applicant is expected to fund the recording or exploratory opening up of historic fabric.’*

- 12.49 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

- 12.50 Paragraphs 212 - 215 of the NPPF provide advice to Local Planning Authorities regarding development proposals that affect heritage assets. They state:

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

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

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁷⁵.*

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

a) the nature of the heritage asset prevents all reasonable uses of the site; and

b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

d) the harm or loss is outweighed by the benefit of bringing the site back into use.

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

- 12.51 The Council's Conservation Officer has considered the proposal and raises concern in respect of the urbanising effect of the proposal. She considers that the proposed dwelling would have a negative impact upon rural character of the site and the setting of the Grade II* Listed Building at Little Park and that the proposal would result in harmful further domestication of the open former farmstead and land around The Meadows and that this would be harmful to the setting of the Listed Building and would be detrimental to its special interest, as set out in the summary of her comments at the start of this report. The Conservation Officer states:

'Little Park is set in extensive grounds, including the former fishpond. The wider rural setting of the building makes a positive contribution to the special interest of Little Park as a former farmhouse, and how this is appreciated. Historical map regression suggests that the site was during the C19th part of an orchard, then a paddock or around the turn of the C20th. The site was clearly a functional part of the lands associated with the Little Park farmstead, and has a historical relationship of related use, which strengthens its contribution to the special interest of the listed building. It also provides a valuable link between Little Park and its grounds and the wider rural landscape to the north-east.

It was noted that the existing house at Little Meadows is visible looking north-east across the depth of the gardens around Little Park from as far away as the entrance driveway from Trinity Road, to the south-west of the house. This has the adverse effect in this key approach to the house of placing the listed building against a backdrop of development, rather than its historically rural context. Whilst at present Little Meadows is a single dwelling, the current proposal would potentially double this impact, and would have a suburbanising effect as the impression given would be of an enclave of development rather than a single, isolated building.

From windows to the south-east and north-east sides of the of the house, and from the terracing immediately to east and north of the house, there are also views of Little Meadows and the adjacent site looking across the pond to the north-east. Whilst in both cases these views are partial, and are subject to seasonal variation due to intervening vegetation, the development would again detract from the setting of the II house by creating an impression of encroaching suburbia, and by divorcing the house from its historically rural context.*

From the upper north-east corner of the gardens, there are as existing extremely attractive views or vistas looking across the gardens of Little Park to the house itself, the adjacent fishpond, and the surviving historic farmstead to the north. The existing development at Little Meadows, including the house and adjacent fencing, detracts from these views and is quite prominent as the boundary in this position is currently relatively open. Again, a further dwelling on the adjacent currently undeveloped land would exacerbate this negative impact, and would give the impression of encircling suburbia, divorcing the house and its gardens and former farm buildings from the historically rural context of the farmstead.'

- 12.52 Notwithstanding these comments and concerns, it is considered that due to the separation of the site with the listed building with the intervening gardens and the site being close to other dwellings and buildings that the principle of a dwelling would not harm the setting of this listed building.
- 12.53 In the consideration of the appeal under AP/23/0037, which followed the refusal of application DM/22/3843 for a residential porch addition at The Meadows, the Inspector considered *'the significant distance between The Meadows and Little Park; the lower site level of the former, and the presence of substantial mature screening between the two buildings'* was an important consideration. He concluded that in the case of the Appeal *'The combination of these factors means that there is effectively no meaningful visual relationship between the buildings that could be reasonably said to result in this limited extension of The Meadows having a harmful effect on the setting of the Grade II* listed 'Little Park'.*
- 12.54 The proposed site for the PiP proposal is part of the wider land ownership of The Meadows. The site is physically separated from the boundary of curtilage belonging to Little Park. Given the presence of the other recently constructed dwellings, and the now disused, former agricultural, Dutch barn building that lies between the site and Little Park, it is considered that the proposed site does not significantly contribute to the significance of the Listed Building setting. Therefore, based upon the information submitted it is considered that the distance, intervening natural screening and the presence of the surrounding buildings the impact of the PiP proposal will not harm the setting of Little Park.
- 12.55 The limited information provided with the application is appropriate to the nature of the PiP process which seeks to determine whether the location, land use and amount of development is acceptable in principle. The detailed aspects of the impact to the setting of the listed building would be a matter more appropriately determined as part of the technical detail consent stage when the siting and design is provided. There can be no guarantee that if the PiP were granted that technical detail consent will follow. It takes approval of both stages for a planning permission to be secured.

12.56 Thus, whilst there is limited information provided to fully assess the impact on the setting of Little Park, these details would come forward as part of the technical details and at present it is considered that the location of the site for the reasons set out above in para 12.45 would result in a neutral impact on the setting of the listed building and therefore complies with Policy DP34 of the District Plan.

Ashdown Forest

12.57 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).

12.58 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.

12.59 A Habitats Regulations Assessment has been undertaken for the proposed development.

Recreational disturbance

12.60 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.

12.61 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.

- 12.62 The proposed development is outside the 7km zone of influence and as such, mitigation is not required.

Atmospheric pollution

- 12.63 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.
- 12.64 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. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

- 12.65 The Habitats Regulations Assessment concludes that there would be no likely significant effects, alone or in combination, on the Ashdown Forest SPA and SAC from the proposed development.
- 12.66 No mitigation is required in relation to the Ashdown Forest SPA or SAC.
- 12.67 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.

12.68 Other matters

- 12.69 The comments from the Council's Flood Risk and Drainage Team regarding the drainage details provided at this stage are noted. However, due to the nature of this

application, these issues are not considered at this stage but would be dealt with at the technical detail consent stage.

- 12.70 Representations object to the proposal due to the countryside location of the site outside the built-up area boundary of the village, with reference to Neighbourhood Plan and District Plan Policies, the impact upon the countryside, nearby Grade II* Listed Building, boundary trees and with reference to previous Appeal decisions. Whilst these issues are noted, due to the nature of this application many of these issues cannot be considered at this stage but would be dealt with at the technical detail consent stage.
- 12.71 The comments from the Tree Officer are noted. However, as the details on the siting and layout of the proposed dwelling cannot be dealt with at this stage, it is considered that a refusal cannot be justified on the impact on trees. In addition, the concerns regarding the landscaping of previous schemes are noted, but additional planting to soften the development would be dealt with at technical details stage.
- 12.72 In respect of Great Crested Newts, the comments of Nature Space are noted. However, the PiP by itself does not give planning permission and technical detail consent is also required. As such these surveys can be dealt with at the technical detail consent stage.

13.0 Planning Balance and Conclusion

- 13.1 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 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.
- 13.2 For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan Policies DP21 and DP26.

- 13.3 Although the application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. There is partial conflict with District Plan Policy DP12 and HurstC1 of the Neighbourhood Plan, but the principle could maintain the quality of the landscape character.
- 13.4 As a result, it is considered that the application conflicts with the development plan when read as a whole. This is not the end point as planning law requires that 'where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise'.
- 13.5 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.
- 13.6 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.
- 13.7 When undertaking the balancing exercise the following benefits, harms and neutral impacts are as follows:
- 13.8 In terms of the scheme's benefits, the proposal would form one dwelling. Socially, the provision of the new dwelling will bring about positive impacts to the local community. The provision of a net increase in one dwelling on the site would make a minor contribution to the district's housing supply, which is a positive impact. The proposal would also result in construction jobs over the life of the build and an increased population likely to spend in the community. The proposal would also result in a new homes bonus. Environmentally, the proposed development is

sustainably located within close proximity to facilities, services and public transport. These are positive considerations in the planning balance.

- 13.9 The proposed site for the PiP proposal is part of the wider land ownership of The Meadows. The site is physically separated from the boundary of curtilage belonging to Little Park. Given the presence of the other recently constructed dwellings, and the now disused, former agricultural, Dutch barn building that lies between the site and Little Park, it is considered that the proposed site does not significantly contribute to the significance of the Listed Building setting. Therefore, based upon the information submitted it is considered that the distance, intervening natural screening and the presence of the surrounding buildings the impact of the PiP proposal will not harm the setting of Little Park.
- 13.10 While the proposal conflicts with some policies in the development plan, it is not considered that it would lead to any adverse effects that would outweigh the benefits of the presumption in favour of sustainable development. Notwithstanding that, while this is only one new dwelling, it would still contribute to the Council's much needed housing supply and make effective use of the land.
- 13.11 The neutral impacts relate to the impact on Ashdown Forest.
- 13.12 In weighing up these issues, when taken together, it is your Planning Officer's view that having regard to paragraph 11d of the NPPF, that the adverse impacts of granting consent would not significantly and demonstrably outweigh the benefits of this development.
- 13.13 In these circumstances the NPPF states that permission should be granted, and this is a material consideration of sufficient weight to overcome the proposal's conflict with the development plan.
- 13.14 There are no other material considerations that would alter the above planning balance. It is considered that the planning balance falls significantly in favour of granting planning permission in principle.

APPENDIX A – RECOMMENDED CONDITIONS

Biodiversity Net Gain

Informatives

1. It is suggested that as part of the technical consent application that the following information is provided:
 - Location Plan,
 - Block Plan,
 - Proposed Floor Plans, Elevations, Roof Plans, Sections and Street Scene (All to identifiable scales),
 - Biodiversity Net Gain information in accordance with The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 and the Environment Act 2021,
 - Ecological Impact Assessment,
 - Surface Water and Foul Sewage Assessment,
 - Planning Statement,
 - Sustainability and Energy Statement,
 - Proposed Vehicular Access Arrangements,
 - Parking and Turning Details,
 - Secure and Covered Cycle Storage Details,
 - Land Contamination report
 - An Arboricultural Impact Assessment and Method Statement.
2. 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in principle in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
3. You are advised that the duration of this permission is 3 years from the date of this decision. Applications for technical details consent must be determined within the duration of the permission granted.

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
Illustration	Sheets 1-3		16.06.2025
Site Plan	2025/20		16.06.2025
Block Plan	2025/20		16.06.2025