

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2155	Case Officer:	Anna Tidey
Application Type:	Full Application		
Proposal:	Proposed new 2 no bedroom dwelling to the rear of 122 High Street.		
Site:	Nupur Indian Restaurant, 122 High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9PX, ,		
Validation Date	3 Dec 2025	Overall Expiry Date:	28 Aug 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	9 Sep 2026
Target Date:	28 Jan 2026	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)		No of Representations:	3
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Signed and Agreed By:	Stephen Ashdown	Date:	11 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2155

**Nupur Indian Restaurant, 122 High Street, Hurstpierpoint, Hassocks, West Sussex, BN6 9PX,
Proposed new 2 no bedroom dwelling to the rear of 122 High Street.**

M Anwar Choudhury

SUMMARY OF REPRESENTATIONS

Three representations received from two addresses which contain the following objections:

- Contrary to both local and national planning policies.
- Harmful to the character of the Conservation Area.
- The modern two-storey dwelling would diminish the openness of the access road.
- The proposal fails to preserve or enhance the Conservation Area, contrary to Policy DP35 and Policy HurstC1.
- Inconsistent with the established pattern of development (adjacent single storey).
- Contrary to Policy DP26 (Character and Design).
- Overbearing impact and loss of outlook due to elevated position, relative to High Street.
- Serious loss of outlook, including from first-floor windows.
- Will create an overbearing and enclosing effect when viewed from neighbouring properties.
- Unacceptable proximity to neighbouring dwellings, less than 5m from the rear door of neighbouring homes.
- Loss of privacy, and increased noise and disturbance, both during the construction phase and once occupied.
- Represents overdevelopment of the site.
- Access and safety issues on the Private Road.
- The site is accessed via a narrow private road that is not suitable for increased traffic or large vehicles.
- Danger to property and pedestrian safety given the proximity to the recreation ground.
- Contrary to Policy DP21 (Transport and Access).
- Harm to the setting of the recreation ground and loss of openness.
- Contrary to Policy DP24 (Leisure and Open Space).
- Inappropriate backland/infill development, not a natural continuation of the built frontage, on a secondary access serving existing dwellings and open space.
- The development would result in a cramped and over-intensive form of development, out of keeping with the established spatial pattern, and would place undue pressure on substandard access arrangements.
- Contrary to Policy DP35 (Conservation Areas).
- Absence of space for provision for commercial waste/restaurant bin storage.
- Concerns regarding visual clutter, hygiene and disruption to neighbouring residents.

Further objections/comments received following receipt of Amended Plans and Drainage information:

- Fundamental concerns remain.
- Impact upon neighbours and users of the adjacent recreation ground.
- Any construction traffic, deliveries, contractors, machinery and associated activities will pass immediately to the front of The Old Coach House.
- The private road is not designed for regular movements of large construction vehicles, skips, plant and deliveries.
- Noise, dust obstruction, and practical difficulties will result for residents in the limited space, potentially for many months.
- Health concerns may result from the development.
- A comprehensive Construction Environmental Management Plan should be required.
- Negative impact upon the recreation ground and its users during construction and long term upon openness.
- New development should respond appropriately to its immediate setting.

SUMMARY OF CONSULTEES

Flood Risk & Drainage Team: A Flood Risk Assessment, Surface and Foul Water Drainage Strategy is required. The site lies within Flood Zone 1, is at very low risk of fluvial flooding, but is at risk from surface water flooding.

The submitted drainage layout shows the proposed attenuation feature located entirely beneath the proposed dwelling.

The submitted Maintenance and Management Plan states that the attenuation tank/storage will be subject to an "annual inspection via access cover". However, no access cover is shown on the submitted drawings and, given the proposed location of the attenuation feature beneath the dwelling, it has not been demonstrated how the system can be safely inspected, maintained, repaired or replaced, if required, throughout the lifetime of the development.

Furthermore, no system-specific maintenance information has been provided to demonstrate how routine inspection or other maintenance activities would be undertaken once the dwelling has been constructed. Consequently, the applicant has not demonstrated that the proposed surface water drainage system can be effectively maintained and remain functional for the lifetime of the development.

In the absence of this information, the Flood Risk and Drainage Team cannot be satisfied that the proposed surface water drainage strategy will continue to operate as intended without increasing flood risk on or off the site.

The Flood Risk and Drainage Team therefore objects to the proposed development as the applicant has failed to demonstrate that the proposed surface water drainage system can be adequately maintained for the lifetime of the development, contrary to Policy DP41 of the Mid Sussex District Plan 2014-2031.

Environmental Protection: No objections to this application. Recommend conditions to control environmental impacts during the implementation phase to protect local residents:

- a construction environmental management plan (CEMP) to control emissions of noise and dust.
- restricted hours of work, including demolition, site clearance, construction, deliveries, loading and unloading: 0800-1800 Monday to Friday, 0900-1300 Saturdays and no work on Sundays and Bank Holidays
- prohibition on burning of demolition and other waste on site.

WSCC Highways: The LHA considers that this proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. There are no transport grounds to resist the proposal. If the LPA are minded to approve the application planning conditions are recommended to require the car parking provision is constructed and secure cycle parking spaces are provided on the site ahead of occupation.

Naturespace: The proposed development is not considered to be relevant to the District Licensing Scheme. No likely impact on Great Crested Newts or their habitats.

Conservation Officer: I note that the height of the proposed building has been raised, and that the floor area at first floor has been enlarged by including an overhang to the front elevation. In my opinion, the increased height and bulk of the proposal and the addition of the projecting first floor will only serve to increase the visual prominence of the building, its inappropriate design, and its adverse impact on the character and appearance of the Conservation Area. The proposal continues to result in less than substantial harm at around the mid-point, although at a slightly higher level within this range than previously identified.

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

SE Water: No comments received.

MSDC Waste Management: Upon my visit to the location, I found they have space for commercial waste bins. There is enough space for 2 x 240L and 1 x 23L bins.

MSDC Street Naming and Numbering: The proposed development will require formal address allocation. The applicant is advised to contact the Council's Street Naming and Numbering Officer before work starts on site.

INTRODUCTION

This is an application for a 2 bedroomed self build dwelling on land to the rear of Nupur Indian Restaurant at 122 High Street, in Hurstpierpoint.

This application is for a new self-build dwelling on the site. The application was submitted with an accompanying self-build statement to confirm that the proposed dwelling will be constructed and controlled by the applicant to provide accommodation for use with the commercial business.

RELEVANT PLANNING HISTORY

04/00020/FUL. Provision of a single chalet style gabled roof bungalow and parking. Refused October 2004. Appeal Allowed January 2005.

03/01296/FUL. Provision of single chalet style bungalow and parking to rear of property. Refused August 2003.

SITE AND SURROUNDINGS

The site for the proposed dwelling is sited on higher ground at the rear (south) of Nupur Indian Restaurant, which is located at 122 High Street, in Hurstpierpoint. The existing building is in commercial use on the ground floor with an associated first floor flat.

The site has an area of 1093sqm (0.109 Ha), and currently accommodates a single storey flat roofed outbuilding, an external area for commercial bin storage and off road parking space. Access to the rear of the restaurant and existing flat and onto the proposed site is from South Lane, a private service track which extends along the rear of the properties on the High Street, also serving as an access for the residential properties at The Old Coach House (to the east of the site) and the pair of semi detached houses at Little Croft and The Cottage, to the west. All of these residential properties, as well as first and second floor windows serving flats sited above the commercial units on the High Street, face over South Avenue Recreation Ground, to the south.

The application site is situated within the Hurstpierpoint Conservation Area and within the built-up area of Hurstpierpoint village. It falls within a Red Impact Zone for Great Crested Newts and within an area at risk of Surface Water Flooding.

APPLICATION DETAILS

This application is for the demolition of the existing outbuilding on the site, and the construction of a 1½ storey two-bedroom dwelling facing onto the South Avenue Recreation Ground, with off street parking provided to the front of the house. Access for vehicles and pedestrians to the proposed new dwelling would be from South Lane.

Amended Plans have been submitted during the course of determining the application to show alterations to the design and scale of the proposed dwelling.

The latest Amended Plans were received on 24.07.2026. These show the proposed dwelling to measure a maximum of 5.6m wide, and a maximum of 9.05m in depth, with a maximum eaves height of 3.6m and an overall ridge height of 7.4m (approx).

The proposed dwelling is to be constructed with walls finished in local stock bricks, with roofs in plain clay tiles, with wooden windows and white fascias and barge boards and black rainwater goods.

On the front (south facing) elevation the plans show a recessed ground floor with a first floor overhang next to a 1.9m wide by 1.5m deep front porch with a gabled roofline. Two gable roofed dormer roof features, with matching decorative vertical tile hanging, are proposed to provide light to the first floor bedrooms.

The width of the living accommodation at ground floor level is reduced by the provision of a 0.7m wide covered walkway running the 5.5m depth of the property, created by a first floor overhang. This will retain an access pathway for the restaurant and associated flat. As a result the width of the proposed house is narrower on the ground floor (4.5m wide), than at the proposed first floor level (5.6m wide).

The proposed accommodation would comprise at ground floor of an open plan lounge/dining room, with a kitchen located at the rear in a 2.5m deep by 2.9m wide single storey offshoot. The curved access stair to the first floor accommodation leads from the main room to a small first floor landing, lit by a proposed window in the east facing side wall of the house. A small airing cupboard would be accessed of the landing.

At first floor level there would be two bedrooms and a separate shared bathroom, which is sited at the rear of the house and measures 1.6m wide by 2.1m wide. A window to light the bathroom is shown in the west facing side wall of the house. The proposed bedrooms measure a maximum of 4.2m by 2.8m, and would provide 10.98sq m of floor space (Bed 1) and 3.9m by 2.14m, and would provide 7.95sqm of floorspace (Bed 2). They are both irregular in shape due to the cut in doorway access from the hallway.

The Site Location Plan indicates that a small yard space will be available to the rear of the proposed house. One parking space is shown on the submitted ground floor layout to be provided to the front of the house with access from South Lane. The area available to park a vehicle is limited by the front porch projection and the supporting brick pier on the recessed building frontage. The available space measures 2.1m wide by 4.7m deep.

The application has been supported by a Planning Statement, which was submitted with the application, and is dated October 2025. This includes the following sections: Introduction, Site Context, Planning History, The Proposed Development, Policy Framework and Assessment, Key Planning Considerations and a Conclusion. In addition the following have been submitted with, and during the course of determining, the application:

Self Build Statement, Flood Map, Foul & Surface Water Drainage Statement, SUDS Drainage Report, Flood Risk & Drainage Statement and Drainage Layout Drawing. These documents have been the subject to various Consultations and are saved on the planning file.

LEGAL FRAMEWORK AND LIST OF POLICIES

The new National Planning Policy Framework (NPPF) is a material consideration that needs to be read alongside the policies within the development plan. Annex A makes it clear that any development policy that is materially inconsistent with the national decision-making policies within the NPPF should be given very limited weight.

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

The development plan for this part of Mid Sussex consists of the District Plan, the Hurstpierpoint and Sayers Common Neighbourhood Plan and Site Allocations DPD.

Mid Sussex District Plan

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

Relevant policies:

DP4 Housing

DP6 Settlement Hierarchy
DP17 Ashdown Forest SPA and SAC
DP21 Transport
DP26 Character and Design
DP27 Dwelling Space Standards
DP29 Noise, Air and Light Pollution
DP35 Conservation Areas
DP38 Biodiversity
DP39 Sustainable Design and Construction
DP41 Flood Risk and Drainage

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 no policies deemed relevant to this application.

Neighbourhood Plan

Neighbourhood Plan - Hurstpierpoint & Sayers Common Neighbourhood Plan, made March 2018.

Policy HurstH1: New Housing Development

Policy HurstH6: Housing sites infrastructure and environmental impact assessment

Policy HurstH8: Small dwellings

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:

DPS1- Climate Change
DPS2- Sustainable Design and Construction
DPS4 - Flood Risk and Drainage
DPN7- Noise Impacts
DPC6- Ashdown Forest SPA and SAC
DPB1- Character and Design
DPB3- Conservation Areas
DPT4- Parking and EV Charging Infrastructure
DPH1- Housing
DPH3- Sustainable Development - Inside the BUA
DPH11- Dwelling Space Standards

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.

WSCC Guidance on Parking at New Developments (September 2020)

Department for Transport Manual for Streets (2007)

National Planning Policy Framework (NPPF) (August 2026)

National Planning Policy Guidance (NPPG)

ASSESSMENT

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

- Principle of the development
- Design and Impact upon the Conservation Area
- Impact on residential amenities
- Dwelling Space Standards
- Drainage
- Access and Parking
- Sustainability
- HRA Assessment
- Ecology
- Biodiversity Net Gain
- Other Matters
- Planning Balance and Conclusion

Principle of the development

Policy DP4 of the District Plan sets out the housing needs for the district and Policy DP6 supports the expansion of settlements, with development within defined built-up area boundaries within towns and villages being permitted subject to being an appropriate nature/scale and not causing harm to the character and function of the settlement.

Policies within the Hurstpierpoint and Sayers Common Neighbourhood Plan support new housing which enhances the existing settlement pattern (Hurst H1), and subject to various criteria listed in Policy Hurst H6.

The policies contained within the newly published NPPF are material considerations which should be taken into account in decision-making from the day of its publication, i.e. from 17th August 2026.

The NPPF recognises that development plan policies which are materially inconsistent with national decision-making policies in the NPPF should be given very limited weight. In this context, policies DP4 and DP6 of the district plan and policies H1 and H6 of the neighbourhood plan are materially inconsistent with the NPPF and should be afforded very limited weight. Greater weight should be given to the relevant NPPF policies in these circumstances.

NPPF Policy S3 states that decisions on development proposals should apply a presumption in favour of sustainable development, and refers to NPPF Policy S4 which applies to the principle of development within settlements. This is a pro development policy, except where the benefits of the development would be substantially outweighed by any adverse effects, when assessed against national decision-making policies as set out in the Framework. A substantial adverse effect of a development may be 'c. *where the development fails to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances*'.

Furthermore, policy L2: Making effective use of land, requires substantial weight to be given to making better use of 'vacant and underutilised land and buildings (such as: by bringing back into residential use empty homes and other suitable buildings; converting space above shops; redeveloping underutilised retail and business sites; and building on or above service yards, lock-ups, car parks and other transport infrastructure which are no longer required).

Having regard to the above, the principle of the development of this site within the built-up area of Hurstpierpoint is acceptable in the context of both the development plan and the NPPF. The remainder of the report will consider the relevant details of the proposal to inform the overall planning balance exercise that needs to be taken.

Design and Impact upon the Conservation Area

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states '*In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of conservation preserving or enhancing the character or appearance of that area.*'

Policy DP26 of the District Plan requires all proposals to be well designed and reflect the distinctive character of the towns and villages as well as addressing the character and scale of the surrounding buildings and landscape. Policy DP35 refers to development within Conservation Areas and requires proposals to conserve or enhance their special character and appearance. These policies are considered to be material inconsistent with the NPPF and as such should be afforded very limited weight, greater weight should be given to the relevant NPPF policies.

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

The NPPF contains Policy L2: Making effective use of land, which seeks to create additional homes within settlements through sensitive redevelopment or additional development within existing plots. In essence this policy appears to support the reuse of backland plots, such as the one that is the subject of this application, at No 122 High Street.

However, there is a subclause that such proposals should:

'i. Be consistent with the overall street scene, other than where: it is appropriate to have larger buildings (such as at street corners, or where building upwards would not cause substantial harm to the character of a building and its surroundings); the development would not be visible from the street frontage; or where specific changes are provided for through a design code which forms part of the development plan;'

It is considered that the proposed dwelling would be out of context and harmful to its setting within the Hurstpierpoint Conservation Area. Further comments on the impact are expanded in following paragraphs.

Section 14 of the NPPF is titled 'Achieving well-designed places' and includes policy DP3: Key principles for well-designed places. This requires consideration of the context of new development, to include the history, character and features of the site and its setting.

Section 20 of the NPPF is titled 'Conserving and enhancing the historic environment' and policies HE4, HE6 and HE9 are of particular relevance in respect to this proposal. Policy HE4 sets out that heritage asset should be conserved in a manner appropriate to their significance. Policy HE6 sets out that where harm to a heritage asset is identified it should be weighed against the public benefits resulting from the proposal. Policy HE9 deals specifically with Conservation Areas and sets out development proposals

should retain and conserve buildings or features which make a positive contribution to the character and appearance of the Conservation Area, where possible.

The application has been reviewed by the Council's Conservation Officer who considers that the proposal will result in harm (at the mid-level) to the character and appearance of the Conservation Area.

The proposed development site is currently occupied by a single storey outbuilding, which is of little architectural merit in its own right, and which provides a neutral effect in its immediate setting. However, the subordinate form of that building reflects the other neighbouring detached garages and outbuildings which create a visual break in the built form on this section of South Avenue, to the rear of the High Street. The single storey form of the existing outbuilding allows public views over the flat roof towards the rear elevations of the terrace of late C19th/early C20th buildings on the High Street from South Avenue and provides the occupiers of the residential units at first floor level a view over the recreation ground to the south.

The site is open to public views from this well used public space and the public rights of way which cross it. Adjoining rear plots have a variety of outbuildings and garages accessed from the track along the northern side of the Recreation Ground. The majority of the spaces behind the High Street buildings backing onto the park are occupied by similar rear yards, some with outbuildings, or gardens, with the exception of the two storey dwellings to the west at The Cottage and Little Croft which date from the early C20th, and the chalet bungalow at The Old Coach House to the east, which appears to be contemporary with the development to the High Street frontage, although is now in separate residential use.

The proposal raises concerns with respect to the potential impact on the character and appearance of the Conservation Area, arising from the following issues:

- The positioning of a new dwelling in this location facing over the open space of the Recreation Ground, given the age of the small number of existing houses in this position, and whether this will respect the established grain of the area.
- The scale and form of the dwelling and whether this will appear incongruous in the context of the adjacent development, which has generally a very different character.
- The detailed design of the proposal.

There are a small number of existing houses facing onto the recreation ground from its northern side, specifically the Coach House to the east, and the semi-detached pair at The Cottage and Little Croft to the west. These buildings have developed historically, and they make a positive contribution to the character of the area, as contributors to its historic development.

The Coach House is late C19th and contemporaneous with the development fronting onto the High Street to the north, prior to residential conversion. It is sited on a corner plot directly adjacent to South Avenue, occupying an historic position for a building.

The Cottage and Little Croft date from the early C20th and appear to predate the development to the north of this on the High Street. They are unusual in being the only purpose-built residential development facing onto the open space and would not be regarded as typical of the grain of this part of the Conservation Area. This is characterised by principal buildings facing onto the High Street, with gardens, yards, and/or ancillary buildings of a smaller scale (not more than one storey) to the south adjacent to the Recreation Ground. The smaller scale and lower density of development to this northern side of the Recreation Ground complements its open character and allows views through to the mostly characterful rear elevations of the buildings on the High Street.

A material consideration that does need to be taken into account is the Appeal decision associated with application 04/00020/FUL, which resulted in permission being granted for a dwelling on the site (which was never implemented). While it is recognised that the general planning policies have evolved since this time, the site and surroundings are broadly similar and the statutory tests set out in legislation with regard to Conservation Areas remains the same. In that particular instance, the Inspector concluded that the development of a single dwelling on the site would be acceptable in design terms and would enhance the character and appearance of the Conservation Area.

While it is recognised that a proposal for a single dwelling on the site has been found acceptable in the past, and that the design and form of the current proposal is similar, the ridge height is significantly higher (1.3m higher) than that previously considered acceptable by the Inspector, and this is of material importance. It is considered that the proposed dwelling would occupy a prominent position within the Conservation Area, and with a ridge height of 7.4m it is considered that it would have a harmful impact upon the public views of the rear of the High Street buildings, which are clearly visible from South Lane and from the South Avenue Recreation Ground, and interrupt the current space between the buildings which contributes to the character of this part of the Hurstpierpoint Conservation Area.

While the general design and appearance of the proposal is considered acceptable in this own right, the identified harm to the appearance and character of the Conservation Area means the proposal is contrary to policy DP35 of the District Plan.

The test within policy HE6 is relevant in such situations and the provision of a single dwelling, within the sustainable location is a public benefit. Within the context of the presumption in favour of sustainable development set out in policy S3 and S4 it is considered that this benefit is sufficient to outweigh the identified harm to the Conservation Area. Notwithstanding this, the identified harm still needs to be given considerable importance and weight in the overall planning balance exercise.

Impact on residential amenities

Policy DP26 of the District Plan seeks to ensure that that new developments would not cause significant harm to amenities of existing nearby residents (or future occupiers), taking into account matters such as impact on light, privacy and outlook. As already identified, this policy is considered to be materially inconsistent with the NPPF and greater weight should be given to the relevant policies in the NPPF.

Principle DG45 in the Design Guide refers to the need to consider privacy of existing and future residents and it is noted that privacy may be affected by the relationship of buildings to each other.

The NPPF contains Policy L2: Making effective use of land, which seeks to create additional homes within settlements through sensitive redevelopment or additional development within existing plots. This policy refers at point 1d ii to the requirement for such proposals to 'Maintain safe access and egress for occupiers and users, and acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space;'

Policy P3 refers to Living conditions and Pollution and requires consideration of likely effects of development upon living conditions (para 2a) and daylight/sunlight access for neighbouring residents and occupiers (para 2b).

The nearest residential properties to the proposed dwelling (other than the flat at No 122 High Street) are located at The Old Coach House, some 5m to the east and the flat at No 124A, which is 6m to the north east, the flat at No 120 High Street, located 19m to the north west and the house at Little Croft, some 29m to the west.

The Old Coach House shares the access off South Lane and is orientated to face forward towards the Recreation Ground. There are no windows in the gable end of that property to immediately overlook the proposed dwelling, although the proposed height and proximity of the 7.4m high gabled roofline may impact upon light received to the limited rear garden space of that property, due to the orientation of the site.

The flat at No 124 benefits from a rear facing dormer/first floor addition and a small external balcony with glazed doors allowing external access to a raised platform. Whilst the rear elevation of the proposed new dwelling does not contain windows in the roof or rear wall at first floor level to overlook these residents, the introduction of a separate new dwelling in close proximity to this and the adjacent flat at No 120 would be likely to have some impact upon the living conditions of these nearest neighbours.

The distance of the proposed dwelling from Little Croft would be unlikely to significantly impact upon the neighbouring residential properties of that dwelling, but the shared vehicular use of South Avenue and

the additional traffic may create additional noise disturbance for all of the immediate neighbouring residents.

Accordingly, while the proposal would have some impact on the amenities of the existing neighbouring residents it is not considered that the degree of harm would be unacceptable and as such it is considered that the proposal complies with Policy DP26 of the District Plan and policies L2 and P3 of the NPPF in respect of this issue.

Dwelling Space Standards

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

District Plan Policy DP27 - Dwelling Space Standards, retains full weight for the determination of this application. The policy refers to the full range of dwelling types, which would include Self build dwellings.

Having regard to the size of the proposed bedrooms, the proposal represents a two bed, three person dwelling, which the national standards require to be a minimum of 70 sqm. The proposal provides for a total floor-space of 71.25 sqm.

The proposal therefore complies with the requirement of Policy DP27 of the District Plan for new dwellings, and the national housing standards.

Access and Parking

Policy DP21 of the District Plan deals with transport matters relating to highway safety and the parking, amongst other things. It is considered that this policy is materially inconsistent with the NPPF and therefore can only be given very limited weight. Greater weight needs to be given to the relevant NPPF policy in these circumstances.

The NPPF contains Policy TR3: Locating development in sustainable locations. This encourages development in locations where there are opportunities to walk, wheel, cycle and use public transport.

The proposed dwelling will be accessed off South Lane, a privately maintained access road.

This arrangement was reviewed by WSCC Highways Authority and they have confirmed that the nearest publicly maintained highway is South Avenue, an un-classified road subject to a speed limit of 30mph. The plans show that the proposed dwelling would be accessed via the existing private access, which serves No 122 High Street. The proposal does not alter the access situation. One parking space will be provided for the proposed dwelling.

The Highway Authority would expect two parking spaces for a dwelling of this size and location but have not raised a highway safety concern to the proposed parking provision. They have recommended the Local Planning Authority may wish to consider the impacts of any overspill parking on on-street parking from an amenity point of view.

The Highway Authority note that the site is sustainably located within the centre of Hurstpierpoint, within walking distance of a variety of shops and services, including bus stops. They advise that secure and covered cycle storage should be provided for the proposed dwelling to encourage sustainable transport options and suggest that details of this could be secured via a planning condition.

The site is located within easy access to the village centre, the Primary school, services in the village centre and to public transport opportunities. This provides sustainable travel options for the occupiers of the proposed new dwelling.

The proposed site plan demonstrates that there is inadequate space on the site to park one standard sized vehicle, as the available space indicated on the submitted plan is below the standard Manual for

Streets parking space size (the available space measures 2.1m wide by 4.7m deep). The Department for Transport Manual for Streets (2007) illustrates recommended layouts for perpendicular parking and show a 2.4m wide by 4.8m long space (page 111). There is also limited space to accommodate cycle storage to serve the proposed dwelling.

There is limited on street parking in the vicinity of the site. South Lane is a single track road which cannot accommodate any overspill parking. South Avenue is used for High Street, Recreation Ground user and other residents overspill parking. However, it is not considered that the provision of this single dwelling would result in any unacceptable harm as a result of potential overspill parking within the local area.

The comments of the Parish Council are noted with regard to access rights, however, this is not a material planning consideration, rather a private matter between the parties.

It is considered that the proposal complies with Policy DP21 of the District Plan and policy TR3 of the NPPF.

Sustainability/Climate Change

Policy DP39 of the District Plan seeks to improve the sustainability of development, however it is considered to be material inconsistent with the NPPF and therefore greater weight should be given to the relevant policies within the NPPF.

The NPPF contains Policies CC2 - Mitigation of climate change and CC3 - Adaptation to climate change, which are relevant in the determination of this application.

NPPF policy CC2, para 1, c. states that where relevant to the proposal development proposals should use design approaches which conserve energy, to accord with Policy DP3(2)(b), one of the Key Principles for well-designed places.

No Sustainability Statement or details have been provided with the application to confirm any sustainable measures are proposed for the new dwelling, or to explain its energy efficiency, or resilience measures for climate change. However, it is recognised that the proposal would need to comply with the Building Regulations in relation to these matters.

Flood Risk & Drainage

The site lies within an area at risk of Surface Water Flooding, and identified as susceptible to climate change. As such the applicant has been requested to provide detailed drainage information and various submissions have been received during the course of determining the application.

Policy DP41 of the District Plan deals with flood risk and drainage and seeks to ensure that development is safe across its lifetime and not increase the risk of flooding elsewhere, amongst other things. It is considered that this policy is materially inconsistent with the NPPF and can be afforded very limited weight. Greater weight should be given to the relevant policies within the NPPF.

The NPPF contains relevant Policies CC3 - Adaptation to climate, F4 - Assessing flood risk for decision-making, F7- Ensuring development is safe from flooding and F8 - Sustainable drainage systems and watercourses.

NPPF Policy CC3 states that in order to minimise vulnerability to climate change development should be located where the risk of flooding is minimised, or can be managed and the development made safe without increasing risk elsewhere.

With regards to NPPF Policy F4, the site is smaller than one hectare, and the submission of a Flood Risk Assessment (FRA) is not applicable in this case.

NPPF Policy F7 requires at para 1 that '*Development proposals should not present a risk from flooding to potential occupiers, users, or visitors, and should not increase flood risk elsewhere.*'

NPPF Policy F8 refers to sustainable drainage systems and watercourses, and requires that:

'Development proposals which could affect drainage on or around the development site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, in ways which are proportionate to the nature and scale of the proposal.'

This aspect of the application has been subject to the submission of additional information through the determination process, all of which has been carefully reviewed by the Council's Flood and Drainage Team, who's comments are available to view on the planning file.

The submitted drainage information shows that the proposed attenuation feature, to manage surface water drainage, is located under the proposed dwelling and this has raised concerns over how it can be managed and maintained for the lifetime of the development. Despite a Maintenance and Management Plan being submitted, it is not clear how the proposed feature can be accessed, as no access cover is shown, nor how it could be safely inspected, maintained, repaired or replaced, if required.

As such it is considered that the submitted proposals have not demonstrated that the site can be drained sustainably and safely.

Consideration has been given as to whether further information could be secured via a planning condition, however, given the constrained nature of the site it is important that before the grant of any planning permission the Council are content that acceptable details could be submitted. On the basis of the information provided to date, the Council does not consider this to be the case in this instance.

It is accepted that there has been a previous approval on the site for a dwelling, in the general location and form proposed in this application, however, policies around flood risk and surface water drainage have evolved since the appeal decision in 2005 and the proposal needs to meet the current policy requirements.

It is considered that the application fails to comply with Policy DP41 of the District Plan and policies CC3, F7 and F8 of the NPPF. These are matters that need to be taken into account in the overall planning balance.

Ecology

Policy DP38 of the District Plan seeks to protect biodiversity on a site and ensure that there are appropriate measures to avoid and reduce disturbance to protected species, amongst other things. It is considered that this policy is materially inconsistent with the NPPF and can be afforded very limited weight, greater weight should be given to the relevant policies within the NPPF. NPPF Policies for biodiversity and its protection are N2- Improving the natural environment and N6 - Areas of particular importance for biodiversity and geodiversity.

The site falls within a Red Impact Risk Zones for Great Crested Newts (GCNs). The Naturespace Newt Officer has been consulted for her views on the application, and considers that the proposal would have no likely impact on Great Crested Newts or their habitats. As such, it is considered that the application complies with the relevant policies in regard to this issue.

Ashdown Forest

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

The potential effects of development on Ashdown Forest were assessed during the Habitats Regulations Assessment (HRA) process for the Mid Sussex District Plan 2014-2031. This process identified likely

significant effects on the Ashdown Forest SPA from recreational disturbance and on the Ashdown Forest SAC from atmospheric pollution.

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

Recreational disturbance

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

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

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

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

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

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

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

Biodiversity Net Gain

The Local Planning Authority has statutory biodiversity duties under s40 NERC Act 2006 (as amended) for the delivery of mandatory Biodiversity Net Gain.

The application is for the development of a site that is less than 0.2 ha. From 6 August 2026 BNG does not apply to planning applications for developments where the site area within the red line boundary is 0.2 hectares or below.

Other Matters

Questions that have arisen in representations during the course of determining the application seek clarification of the proposed space and provisions for waste storage for the commercial, existing and proposed residential units on the site. Advice has been sought from the MSDC Waste Management Team. There is provision on the existing site for waste bins and there appears to be some limited space

to provide the required bins for a further residential unit on the site, although the siting for the provision has not been shown on the submitted plans.

PLANNING BALANCE AND CONCLUSION

While the principle of development on the site is acceptable, it has been identified that the proposal would result in some harm to the character and appearance of the Conservation Area and that it has not been demonstrated that the site can be drained sustainably and safely. As the proposal is contrary to policies DP35 and DP41 of the District Plan.

Having regard to the above assessment, it is considered that the proposal conflicts with the development plan, when read as whole. Given this, consideration need to be given to other material considerations to determine whether they indicate that a decision should be taken other than in accordance with the development plan.

The NPPF provides for a presumption in favour of sustainable development (NPPF Policy S3), and development in settlements (NPPF Policy S4). NPPF Policy 4.1 is relevant. This sets out that development should be approved unless the benefits of doing so would be substantially outweighed by the adverse effects, when assessed against the national decision-making policies within the Framework.

When undertaking the balancing exercise, the following benefits, harms and neutral impacts are as follows:

In terms of the scheme's benefits, the proposal would form one dwelling, which would make a small contribution to meet the overall housing need in the district, where the Council are currently unable to demonstrate a 5-year housing land supply. Environmentally, the proposed development is sustainably located within close proximity to facilities, services and public transport options available in Hurstpierpoint village centre. The proposal would also result in construction jobs over the life of the build and an increase in spend in the local economy by the increased population, albeit it is accepted that the benefit deriving from this latter two points is minimal. These are positive considerations in the planning balance.

The proposal would have a neutral impact on highway safety and parking and on the Ashdown Forest.

It has been identified that the proposal would result in some harm (at the mid-level) to the character and appearance of the Conservation Area, especially due to the increased ridge height of the proposal over the previous proposal allowed at appeal. The test within policy HE6 is relevant in such situations and the provision of a single dwelling, within the sustainable location is a public benefit. Within the context of the presumption in favour of sustainable development set out in policy S3 and S4 it is considered that this benefit is sufficient to outweigh the identified harm to the Conservation Area. Notwithstanding this, the identified harm still needs to be given considerable importance and weight, and this weighs against the development.

Having regard to the assessment set out above, it has been demonstrated that the proposal cannot be drained sustainably and safely, for its lifetime. As such it is considered that the proposal fails to comply with policies CC3, F7 and F8 of the NPPF. It is considered that this matter should be given substantial weight.

The identified harm to conflict with the development plan should be given very limited weight.

In weighing up these issues, when taken together, it is considered that the identified adverse effects substantially outweigh the benefits of the development, when the decision-making policies of the NPPF are taken as a whole.

There are no other material considerations that would alter the above planning balance. It is considered that the planning balance falls in favour of refusing planning permission.

Decision: Refusal

Case Officer: Anna Tidey