

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0857	Case Officer:	Deborah Lynn
Application Type:	Permission in Principle		
Proposal:	Single dwelling on land adjacent to Ollen		
Site:	Ollen, Vicarage Road, Crawley Down, Crawley, West Sussex, RH10 4JJ, ,		
Validation Date	13 Apr 2026	Overall Expiry Date:	6 May 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	18 May 2026
Target Date:	18 May 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	Steven King	Date:	18 May 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0857

**Ollen, Vicarage Road, Crawley Down, Crawley, West Sussex, RH10 4JJ,
Single dwelling on land adjacent to Ollen
Mr And Mrs Wright**

SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

WSCC Highways

The LHA is limited in its ability to comment on an application for permission in principle. In principle, the LHA would not raise any objections to an application at this site, subject to the submission of sufficient information at Technical Details Stage.

MSDC Flood Risk and Drainage

Further information is required to be submitted.

Southern Water

Insufficient information provided. Recommend condition requiring details of foul/surface water drainage disposal.

Nature Space

The proposed development occurs in the amber impact risk zone. Therefore, as part of any future application, it is recommended that information regarding the suitability of the site to support great crested newts is considered to rule out any impacts as part of the proposal. No further information will be required at this stage.

WORTH PARISH COUNCIL OBSERVATIONS

The planning committee understands the application is a permission in principle, however the committee would like the following considerations to be considered. Overdevelopment of the site and the absence of sufficient plans to properly assess the proposal—I respectfully request that this application be refused. At the very least, the application should not be determined until full, accurate, and accessible plans are made available for public scrutiny.

INTRODUCTION

This application seeks Permission in Principle for a single storey dwelling on land adjacent to Ollen.

RELEVANT PLANNING HISTORY

DM/19/1269 - Outline application for the demolition of existing house and the erection of 2 detached 3no bedroom houses. (Amended description 04/06/2019). Permission granted 15.08.2019.

DM/21/0215 - Demolition of existing single storey garage and side extension and replace with proposed two storey side extensions, single storey rear extension, removal of existing roof and provide new roof over existing property and new extensions. Permission granted 14.04.2021.

DM/21/2196 - Demolition of existing front porch and single storey side extension and proposed erection of two storey and single storey side extension with internal modifications and re-pitching of existing roof together with detached single storey garage and car port. - Permission granted 28.07.2021.

SITE AND SURROUNDINGS

The application site is a residential property located on the southeastern side of Vicarage Road within the built up area boundary of Crawley Down. The detached dwellinghouse at Ollen has been

significantly extended and remodelled in recent years, creating a relatively wide frontage to the dwellinghouse with a contemporary appearance.

The property benefits from a large driveway to the front which is enclosed by a brick wall interspersed with brick piers. A modest single garage sits to the southwest side of the dwellinghouse, with generous sized garden to the rear, enclosed by hedging and trees on the rear boundary. Allotment gardens adjoin the property to the rear (southeast).

The dwellinghouse lies within a row of large detached dwellinghouses. The large rear garden of the residential property The Vicarage lies opposite the site to the north west.

In terms of planning policy, the site lies within the built up area boundary of Crawley Down. It also lies within an area at risk of surface water flooding and a designated Great Crested Newt Red Impact Risk Zone.

APPLICATION DETAILS

Permission in Principle is sought for a single dwelling on land adjacent to Ollen.

A location plan has been submitted showing the application site, which includes the dwellinghouse at Ollen. The applicant has advised in subsequent correspondence that they intend to demolish the existing garage to the southwest of the dwellinghouse to allow for the new building.

As a 'Permission in Principle' application, no detailed layout, form or design of the proposed dwellings, or landscaping details are provided. All such relevant details would be provided and confirmed at the technical details stage.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

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

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

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

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

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

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan, Site Allocations Development Plan Document (DPD) and the Crawley Down Neighbourhood Plan.

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

Mid Sussex District Plan

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

Relevant policies:

- DP4 housing
- DP17 Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)
- DP21 transport
- DP26 character and design
- DP38 biodiversity
- DP41 flood risk and drainage

Site Allocations DPD

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

There are no relevant policies.

Crawley Down Neighbourhood Plan

The Neighbourhood Plan was made on the 28th January 2016.

- CDNP04.2 infill housing
- CDNP05 control of new developments
- CDNP06 sustainable drainage systems
- CDNP09 protect and enhance biodiversity
- CDNP10 promoting sustainable transport
- CDNP11 Ashdown Forest Special Area of Conservation (SAC) and Special Protection Area (SPA)

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 (Regulation 19) is currently at Examination and hearings were concluded on the 19th March 2026. 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:

- DPS4 flood risk and drainage
- DPS6 health and wellbeing
- DPC6 Ashdown Forest SPA and SAC
- DPB1 character and design
- DPT1 placemaking and connectivity
- DPH1 housing
- DPH3 sustainable development - inside the built-up area

Mid Sussex Design Guide Supplementary Planning Document (SPD)

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

National Planning Policy Framework (NPPF) (December 2024)

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.

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.'*

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

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.'

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.'

With specific reference to decision-taking paragraph 48 states that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Guidance

ASSESSMENT

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).

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.

This means that matters such as siting, design, scale, accessibility, impact on neighbouring occupiers or impact on trees, biodiversity, flood risk and drainage cannot be considered at this stage. They would, however, be considered at the technical details stage instead.

The application as submitted contains a location plan denoting the extent of the application site, including the existing dwellinghouse, along with an application form and covering letter. These state the application proposes the erection of a single dwelling.

In subsequent correspondence the applicant has confirmed that they intend to demolish the existing garage to the southwest of the dwellinghouse to allow for the new building.

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.

Paragraph 232 of the NPPF 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).

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.'

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.

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.

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.

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).

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.

Policies DP4 (Housing) and DP6 (Settlement Hierarchy) are relevant to this application. These policies are considered to be policies relating to the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, these policies can be given limited weight in the determination of the application.

Therefore, the key test that must be undertaken when assessing this application is as set out within paragraph 11(d) of the NPPF.

Taking each of the matters for consideration in order:

Location

The application site falls within the built up area of Crawley Down as defined by the District Plan.

Policy DP6 of the District Plan relates to settlement hierarchy and states in part that:

'Development will be permitted within towns and villages with defined built-up area boundaries. Any infilling and redevelopment will be required to demonstrate that it is of an appropriate nature and scale (with particular regard to DP26: Character and Design), and not cause harm to the character and function of the settlement.'

Crawley Down is noted as a category 2 settlement under policy DP6, which is defined as a larger village acting as a Local Service Centre providing key services in the rural area of Mid Sussex. *'These settlements serve the wider hinterland and benefit from a good range of services and facilities, including employment opportunities and access to public transport.'*

In view of the above, the principle of development in terms of location is therefore supported by District Plan policy DP6.

Land use

The application site concerns a residential property, Ollen, and lies within a row of residential properties on the southeastern side of Vicarage Road in Crawley Down. Residential properties also adjoin the site to the northwest.

The proposed single dwelling is therefore considered acceptable in principle from a land use perspective.

Amount of development

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 would render the proposal for a single dwelling on the site unacceptable in principle.

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.

The location plan submitted with the application shows the whole residential property at Ollen outlined in red. The plan appears somewhat out of date and does not show the current dwellinghouse, which has been substantially extended, in its entirety. However, in subsequent correspondence, the applicant has advised that the existing single garage to the southwest of the dwellinghouse will be demolished to allow for the new dwelling. No further details have been provided to show the position of the new dwelling in relation to the existing dwellinghouse or how the existing plot would be subdivided to accommodate the dwelling, however such details would be expected at the technical details stage.

In relation to the size and shape of the plot and its possibility to accommodate a single dwelling, policy DP26 of the District Plan (character and design) is considered relevant, stating in part that:

'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;...*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- *optimises the potential of the site to accommodate development.'*

At neighbourhood plan level, policy CDNP04.2 relates to infill housing and follows a similar state, stating in part that:

'Infill housing will be permitted provided it is in accordance with the Neighbourhood Plan and meet the following criteria:

- a) The spacing between buildings reflects the character of the street scene.*
- b) The plot size is appropriate to the scale of the building...*
- e) Suitable access and on-site parking is provided without detriment to neighbouring properties...*
- g) The scale, height, and form of the development should be in character with the street scene. Where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character.'*

Neighbourhood Plan policy CDNP05 relates to control of new developments and states in part that:

'Subject to the other policies of this Neighbourhood Plan; Within the Crawley Down Neighbourhood Plan Area, planning permission will be granted for residential development subject to the following criteria:

- a) The scale height and form fit unobtrusively with the surrounding buildings and the character of the area or street scene and where appropriate, special regard should be had to sustaining and enhancing the setting and features of heritage assets and the Areas of Townscape Character...*
- d) The individual plot sizes are proportionate to the scale of the dwelling...*
- h) Suitable access and on-site parking is provided without detriment to neighbouring properties.*
- i) The development is arranged such that it integrates with the village...'*

Planning records indicate that outline planning consent has previously been granted under reference DM/19/1269 to demolish the existing dwellinghouse at Ollen and erect 2 detached 3-bedroom houses on the site. The approved plans show the plot to be subdivided down the middle to create 2 plots, with a dwellinghouse positioned on each plot, to fall in line with the existing row of dwellinghouses on Vicarage Road. However, this consent was never pursued. Instead, the dwellinghouse was extended with a substantial two storey extension to its northeastern side, in accordance with planning permission DM/21/2196. The permission also included a new detached garage to the front of the property, with the existing garage outbuilding shown to be retained.

Having regard to the position of the existing dwellinghouse at Ollen, which has been substantially extended, it is considered that there is limited land to the southwestern side of the dwellinghouse to accommodate a single dwelling, even if the existing garage were demolished. Council mapping records indicate that the southwestern flank wall of the dwelling at Ollen is located approximately 10 metres from the northeastern flank wall of the adjoining dwellinghouse at Goldregen.

This part of Vicarage Road is characterised by large detached dwellinghouses located in relatively wide, spacious plots, with spacing between. With this in mind, it is considered that a single dwelling to the side of the Ollen would appear shoehorned in between existing dwellinghouses, forming a cramped and incongruous addition within the street scene to the detriment of the appearance and character of the area, thereby conflicting with aforementioned policies.

The principle of development in terms of amount of development is therefore considered unacceptable in principle.

Ashdown Forest

The site falls within 7km of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The NPPG in relation to Permission in Principle states:

'Permission in principle must not be granted for development which is habitats development. From 28 December 2018 habitats development means development which is likely to have a significant effect on a qualifying European site or a European offshore marine site, referred to as habitats sites in the National Planning Policy Framework (either alone or in combination with other plans or projects); is not directly connected with or necessary to the management of the site, and; the competent authority has not given consent, permission, or other authorisation in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017. This means for sites where development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigating measures in place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle. If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affect the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle.' (Paragraph: 005 Reference ID: 58-005-20190315)

In addition it states:

'Local planning authorities may agree planning obligations at the technical details consent stage where the statutory tests have been met. Planning obligations cannot be secured at the permission in principle stage. Local planning authorities can inform applicants that planning obligations may be needed at the technical details consent stage.' (Paragraph: 022 Reference ID: 58-022-20180615)

Within the NPPG for Appropriate Assessments and the guidance on the use of Habitats Regulations Assessment paragraph 009 (Reference ID: 65-009-20190722) states:

'Up to December 2018 legislation did not permit a competent authority to approve a neighbourhood plan, permission in principle, and certain development orders, where screening identifies a 'likely significant effect.' The People over Wind judgment means that it is no longer possible to apply mitigation measures at the screening stage. Therefore, some plans and orders where there could be a likely significant effect on a habitats site were unable to progress, irrespective of what mitigation is proposed, which was not the policy intention. In order to address this issue the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 amend legislation to allow that where a likely significant effect on the environment is identified, a competent authority may undertake an appropriate assessment to consider impacts and any mitigation measures, and then make a decision whether or not to approve the plan or order. This applies to the following plans and orders:

- *neighbourhood plans, where the prescribed basic condition relating to habitats has been amended to take account of the full Habitats Regulations Assessment;*
- *permission in principle;*
- *special development orders;*
- *local development orders;*
- *neighbourhood development orders;*
- *simplified planning zones;*
- *enterprise zones.'*

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 in this application.

Recreational disturbance

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

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

This planning application is within the 7km zone of influence and generates a net increase of 1 dwelling, and as such, mitigation is required.

An appropriate scale of SAMM mitigation for the proposed development is £1,170, and if the approved scheme provides for a strategic SANG contribution, this would be £5,253.

The strategic SANG is located at Hill Place Farm in East Grinstead and Natural England has confirmed that it is suitable mitigation for development in Mid Sussex. The SANG is managed in accordance with the Management Plan and this document sets out the management objectives for the site and the management activities. Financial contributions for the strategic SANG will be spent in accordance with the Management Plan.

The financial contributions for SAMM and SANG mitigation would be secured at the technical detail application stage and not as part of the permission in principle. As such no planning obligation is required as part of this application to secure the contributions and this would be dealt with as part of the technical details consent stage.

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. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

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

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed would require mitigation to be provided at the technical details consent stage through the completion of a planning obligation to secure the necessary payments to provide sufficient mitigation to avoid any

potential impact on the Ashdown Forest SPA. Mitigation is not required at this permission in principle stage.

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

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

CONCLUSION

Planning legislation requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore necessary for the 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 East Grinstead Neighbourhood Plan.

The application must be assessed against the policies of the development plan taken as a whole, and this assessment has identified conflict with the development plan in respect of policies DP6 and DP26 of the Mid Sussex District Plan and policies CDNP04.2 and CDNP05 of the Copthorne Neighbourhood Plan.

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'.

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.

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.

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

The proposed development would result in a net increase in 1 dwellinghouse which would make a minor yet positive contribution to the District's housing supply. In addition, the proposed dwelling would be sited within a sustainable location within the built up area boundary of Crawley Down which is noted as a category 2 settlement under District Plan policy DP6. The proposal would also result in construction jobs during the construction phase, with new residents likely to spend in the community. These are positive considerations in the planning balance albeit somewhat limited due to the minor nature of the proposal.

Weighing against the scheme are concerns that the proposed development would have a detrimental impact upon the appearance and character of the area, appearing cramped and incongruous within the street scene and out of keeping with the prevailing character of the area, thereby conflicting with policies DP6 and DP26 of the Mid Sussex District Plan and policies CDNP04.2 and CDNP05 of the Crawley Down Neighbourhood Plan.

In weighing up these issues, when taken together, it is considered that the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the proposal, due to conflict with policies DP6 and DP26 of the Mid Sussex District Plan and policies CDNP04.2 and CDNP05 of the

Crawley Down Neighbourhood Plan and there are no other material planning considerations to justify a decision otherwise than in accordance with the development plan.

In summary, the planning balance is considered to fall significantly in favour of refusing the application for Permission in Principle.

Decision: Refusal

Case Officer: Deborah Lynn