

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/0214	Case Officer:	Rachel Richardson
Application Type:	Full Application		
Proposal:	Demolition of existing car port and construction of three bed dwelling with associated landscaping.		
Site:	Land To The Rear Of 43 Wivelsfield Road, Haywards Heath, West Sussex, RH16 4EN, , , ,		
Validation Date	17 Mar 2025	Overall Expiry Date:	15 Jul 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	8 Oct 2025
Target Date:	12 May 2025	Recommending Officer Signature:	Rachel Richardson

Date Legal Agreement Completed: (if applicable)		No of Representations:	4
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Signed and Agreed By:	Stephen Ashdown	Date:	9 Oct 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/0214

**Land To The Rear Of 43 Wivelsfield Road, Haywards Heath, West Sussex, RH16 4EN, , ,
Demolition of existing car port and construction of three bed dwelling with associated
landscaping.
Ms Amy Bath**

SUMMARY OF REPRESENTATIONS

Letters of objection have been received from four households. Their concerns are summarised as follows:

- o Overlooking and a loss of privacy
- o Reduction in sunlight/daylight
- o Cramped and overdevelopment
- o Oppressive in outlook due to elevated levels
- o Construction noise and damage to the existing nearby houses
- o Deterioration/congestion of driveway which will be exacerbated from increased use
- o Lack of parking with more demand for on street parking. The car parking is already allocated to DM/16/2153.
- o Unsafe narrow access with poor visibility and prejudicial to highway safety
- o No space for footpath access
- o Loss of biodiversity - poor BNG report and no tree impact report
- o Poor quality application
- o The application is not supported by a site investigation for drainage purposes
- o The future occupiers of the proposed development would have a rear garden heavily in the shade due to existing tree cover.

SUMMARY OF CONSULTEES

Place Services Ecology: No objection subject to condition.

MSDC Flood Risk and Drainage: No objection subject to condition.

Southern Water: No objection.

West Sussex County Council Highway Authority: No objection subject to conditions.

TOWN/PARISH COUNCIL OBSERVATIONS

In principle the Town Council welcomes the development of housing in an underutilised space in the town.

However, concern is raised over the narrow access road, particularly with regard to construction traffic. If permission is granted, planning conditions should include a construction management plan and repair to the access road upon completion of the development.

INTRODUCTION

Permission is sought for the construction of a three-bed dwelling with associated landscaping, following demolition of car port.

RELEVANT PLANNING HISTORY

None.

SITE AND SURROUNDINGS

The application site is outlined in red as illustrated on the block plan drawing no. 1000 Rev A. The site is situated to the rear of 43 Wivelsfield Road and will be accessed via the existing access to the northern side of the existing property. 43 Wivelsfield Road is a two-storey semi-detached property, with a hipped concrete tiled roof. It has cream painted rendered walls and white painted timber sash windows. It is set back from Wivelsfield Road with a small front garden which is behind a dwarf brick boundary wall and planting. There is an estate agent (two storey with brickwork facing walls) adjoining the site to the north which is further forward and abutting the pavement. There are four other properties situated to the rear of 39-53 Wivelsfield Road.

The rear garden boundary treatment comprises 1.8m high close boarded fencing. The garden area is part concrete and grass. A double detached car port is centrally positioned which would be removed to allow for the proposed development.

The land slopes uphill from front to back in an easterly direction.

The Old Nurseries is a grade II listed building which is sited on the corner of Wivelsfield Road and Edward Road immediately opposite the existing dwelling, and to the west of the site and its proposed access.

For the purposes of planning policy the site is located within the built-up area boundary as defined in the Mid Sussex District Plan (MSDP).

APPLICATION DETAILS

The application proposes the subdivision of 43 Wivelsfield Road and development of a two-storey detached property on the same building line as existing houses to the north and south. Access would be from Wivelsfield Road utilising the existing access to the northern side of the existing property. A double garage/car port to the rear of the existing property will be demolished.

The proposed dwelling would measure approximately 5.4m wide by 8.6m and two storeys in height. A single storey flat roofed projection is to be built flush with the northern elevation of the two-storey element, and measures around 4.9m deep by 2.9m wide. The property has an eaves height of approximately 5.7m and a ridge height of 9.4m above ground level. A sloping dormer window is proposed on the rear elevation to provide additional accommodation within the roof. The proposed elevations also show the provision of a rooflight at the front and rear.

At its closest point the single storey rear elevation would maintain a distance of 1.5m to the rear boundary, 1.2m to the northern boundary and 1.6m to the southern boundary. The proposed front garden would have a depth of around 8m (not including the proposed bay window).

The property is to be of brickwork construction with a tiled roof to match the appearance of existing houses flanking the site. The proposed elevation drawing details the materials to be used, including grey roof tiles to match the cottages to the north of the application site, red multi-coloured clay facing bricks and white UPVC fenestration.

The red edged boundary includes an existing hardsurfaced area to the rear of 41 Wivelsfield Road and in front of 2 St Annes Cottages which is to be utilised for parking and turning. The proposed boundary treatment comprises 1.8m high panelled fencing.

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 Haywards Heath 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
DP6 - Settlement Boundary
DP17 - Ashdown Forest
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP34 - Listed Buildings and Other Heritage Assets
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
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.

Relevant policies.

Haywards Heath Neighbourhood Plan

The Haywards Heath Neighbourhood Plan was made in 2016.

Relevant policies:

Policy E9 and E13 - Design

Policy T3 - Car Parking

Policy H8 - Housing Development within the Built Up Area Boundary

Other Legislation

Planning (Listed Buildings and Conservation Areas) Act 1990

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 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

DPN7: Noise Impacts

DPN9: Air Quality

DPC6: Ashdown Forest SPA and SAC

DPN10: Land Stability and Contaminated Land

DPB1: Character and Design

DPB2: Listed Buildings and Other Heritage Assets

DPT1: Placemaking and Connectivity

DPT3: Active and Sustainable Travel

DPH1: Housing

DPH3: Sustainable Development - Inside the Built-Up Area

DPH7: Housing Mix

DPH9: First Homes

DPH11: Dwelling Space Standards

DPH12: Accessibility

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 Design Guide

Published in 2021, the National Design Guide illustrates how the government consider well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.

Paragraph 134 of the NPPF sets out that this national document, along with the National Model Design Code, should be used to guide decisions on application in the absence of locally design guides or design codes.

ASSESSMENT

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

- o Principle
- o Design and Impact on the character and appearance of the area
- o Impact on setting of listed building
- o Highways
- o Impact on Residential Amenity
- o Housing Standards
- o Accessibility
- o Flood Risk and Drainage
- o Ecology
- o Trees
- o Sustainability
- o Ashdown Forest
- o Biodiversity Net Gain
- o Planning Balance and Conclusion

Principle

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

In terms of policy designations, the starting point for this assessment is that the application site falls inside of the built-up area of Haywards Heath as defined by the District Plan.

The principle of the proposed development is considered to be acceptable.

Policy DP6 of the MSDP sets out that development in built-up areas will be permitted and that infilling proposals will need to demonstrate that it is of appropriate nature and scale, and cause harm to the character and function of the settlement.

Policy H8 of the Haywards Heath Neighbourhood Plan relates to new housing development within the built up area. The policy states:

'Housing development within the Haywards Heath built-up area boundary, as defined, will be permitted including infill development and change of use or redevelopment to housing where it meets the following criteria:

- o The scale, height and form fit unobtrusively with the existing buildings and the character of the street scene.*
- o Spacing between buildings would respect the character of the street scene.*
- o Gaps which provide views out of the Town to surrounding countryside are maintained.*
- o Materials are compatible with the materials of the existing building.*
- o The traditional boundary treatment of an area is retained and, where feasible reinforced.*
- o The privacy, daylight, sunlight and outlook of adjoining residents are safeguarded'.*

The principle of development is therefore acceptable owing to the site's location.

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.

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.

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).

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) (relevant to this application are in relation to sustainable locations, making effective use of land, and securing well-designed places).

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.

Policy H8 of the Neighbourhood Plan is also relevant to this application. This is a policy that supports the supply of housing and as such can be considered to be out-of-date, having regard to the NPPF tests. As such, this policy 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.

The following sections of the report will consider the relevant matters associated with the proposed development in the context of the development plan and other material considerations, including the NPPF in order to undertake the necessary tilted balance assessment outlined above.

Design and Impact on Character of the Area

'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:

- o is of high quality design and layout and includes appropriate landscaping and greenspace;*

- o 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;*
- o creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- o protects open spaces, trees and gardens that contribute to the character of the area;*
- o protects valued townscapes and the separate identity and character of towns and villages;*
- o does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution (see Policy DP29);*
- o creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- o incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- o positively addresses sustainability considerations in the layout and the building design;*
- o 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;*
- o optimises the potential of the site to accommodate development.'*

Policy E9 of the Haywards Heath Neighbourhood Plan relates to design and requires developers to demonstrate how their proposal will protect and reinforce the local character within the locality of the site; it then sets out a list of design elements that should be considered when having regard to these matters including height, scale, spacing, layout, orientation, design and materials of buildings. It should also respect natural features such as trees and hedges.

Policy E13 requires proposals for new residential development to provide good quality private outdoor space appropriate to the development proposed. The amount of land used for garden or amenity space should be proportionate to the size and type of dwelling(s) and character of the area.

Policy H8, as set out above, deals with housing development within the built up area of the town and sets out a number of similar criteria.

The Mid Sussex Design Guide Principle DG39: Deliver appropriately scaled buildings, states that new buildings should relate to their context and location.

The application site is a back land plot in a suburban location surrounded on all sides by residential development.

The applicant has designed the proposed development to reflect existing houses that flank the application site. This is illustrated on drawing no. 3000 Rev A, proposed site plan. It shows a similar plot size, layout and footprint. The separation distance of the proposed development from the rear of No. 43 is therefore comparable between existing houses on Wivelsfield Road and to the rear, in the immediate vicinity.

It is not therefore considered that the proposed development would appear cramped or overdeveloped given the existing pattern and grain of development within the vicinity.

Materials will also be to match existing surrounding houses and are specified in the description of the application proposal above (brick and tile roof).

A landscaping plan illustrates that the boundary treatment will comprise a 1.8m high close boarded fence (although the application form states panelled fencing), the existing hedgerow will be maintained during construction, and a 1.5-2m Sorbus Aucuparia (rowan) will be planted in the proposed front garden. This has been recommended by the Tree Officer. The surrounding garden will be laid to lawn and an area paved to walk around the property.

This is all considered to be in keeping with the character and appearance of the surrounding area and in accordance with the above mentioned policies and design principles of the MSDG as well as national policy contained within the NPPF.

Impact on setting of listed building

S. 66 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that *'In considering whether to grant planning permission 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.'*

Policy DP34 states that development will be required to protect listed building's and their settings and this will be achieved by ensuring, amongst other things, that:

- o '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;*

- o Special regard is given to protecting the setting of a listed building;*

Proposals affecting such heritage assets will be considered in accordance with the policies in the National Planning Policy Framework (NPPF) and current Government guidance.'

Policy E9 of the HHNP states inter alia that:

'Proposals affecting a listed building, conservation area, building of local interest or public park of historic interest or their setting should preserve or enhance their special interest and/or distinctive character.'

Paragraphs 213 and 215 of the NPPF are also relevant and a material consideration in the determination of this application.

The Conservation Officer commented on the principle of the development under a pre application enquiry as follows:

'The proposed development site is a plot to the rear of 43 Wivelsfield Road, within Haywards Heath. The site is not within a Conservation Area, but is arguably within the setting of a Grade II listed building, The Old Nurseries, which is situated to the opposite side of Wivelsfield Road. The current proposal is for the construction of a new dwelling with upgrading of an existing access from the road, and additional parking.

Based on the limited information in front of us, including a brief historical map regression exercise, The Old Nurseries, which from the list description dates from the 16th century, is likely to have been originally the house associated with a farmstead or smallholding, and would have sat in a rural setting prior to the expansion of Haywards Heath during the 19th century and later. Earlier maps show a small farmyard with buildings to the north of the house, although this was lost by the early 20th century. The farmstead appears to have sat during the earlier part of the 19th century in a fairly extensive orchard, with fields beyond.

The listed building is therefore likely to be considered to possess architectural value based on its construction and craftsmanship, historical illustrative value as a good example of a rural Sussex farmhouse of the 16th century or earlier, and aesthetic value based in part on the use of vernacular materials. As such, any elements of its predominantly urban setting which retain a rural character are likely to be considered to contribute positively to its special interest, in particular those parts of that interest which are drawn from its historical illustrative and aesthetic values.

The proposed development site appears to retain an element of open green space, but is however screened from both the listed building and Wivelsfield Road by the intervening development to the road frontage, which is of 19th century cottages, as well as by planting within the gardens of the listed building itself. It therefore makes at most a limited contribution to the character of the setting of The Old Nurseries.

In this context, subject to further detail of the layout, scale, and design of the proposed development, I consider it unlikely that the new dwelling would have a material adverse impact on the contribution currently made by the site to the setting to the special interest of the listed building.

Any formal application should be accompanied by an appropriately detailed heritage statement, and would be assessed against the requirements of District Plan Policy DP34.'

This application is not accompanied by a Heritage Statement. The Planning, Design and Access Statement has left out the section at paragraph 4 on heritage. However, in the conclusion, states at paragraph 9.3 that attention will be given to the setting of the grade II listed building, The Old Nurseries so that the design contributes positively to the historical narrative.

In the light of the pre application comments the Conservation Officer has informally commented that the application proposal will protect the setting of the listed building largely due to it being backland development and behind the existing terracing of Victorian houses fronting onto Wivelsfield Road, but also due to the screening at the Old Nurseries. The Conservation Officer therefore considers that the proposal is in accordance with policies DP34, E9 and the NPPF. Your planning officer supports this view.

Highways

MSDP Policy DP21 requires that;

'Development will be required to support the objectives of the West Sussex Transport Plan 2011-2026, which are:

- o A high quality transport network that promotes a competitive and prosperous economy;*
- o A resilient transport network that complements the built and natural environment whilst reducing carbon emissions over time;*
- o Access to services, employment and housing; and*
- o A transport network that feels, and is, safer and healthier to use.*
- o To meet these objectives, decisions on development proposals will take account of whether:*
- o The scheme is sustainably located to minimise the need for travel noting there might be circumstances where development needs to be located in the countryside, such as rural economic uses (see policy DP14: Sustainable Rural Development and the Rural Economy);*
- o Appropriate opportunities to facilitate and promote the increased use of alternative means of transport to the private car, such as the provision of, and access to, safe and convenient routes for walking, cycling and public transport, including suitable facilities for secure and safe cycle parking, have been fully explored and taken up;*
- o The scheme is designed to adoptable standards, or other standards as agreed by the Local Planning Authority, including road widths and size of garages;*

- o The scheme provides adequate car parking for the proposed development taking into account the accessibility of the development, the type, mix and use of the development and the availability and opportunities for public transport; and with the relevant Neighbourhood Plan where applicable;*

- o Development which generates significant amounts of movement is supported by a Transport Assessment/ Statement and a Travel Plan that is effective and demonstrably deliverable including setting out how schemes will be funded;*
- o The scheme provides appropriate mitigation to support new development on the local and strategic road network, including the transport network outside of the district, secured where necessary through appropriate legal agreements;*
- o The scheme avoids severe additional traffic congestion, individually or cumulatively, taking account of any proposed mitigation;*
- o The scheme protects the safety of road users and pedestrians; and*
- o The scheme does not harm the special qualities of the South Downs National Park or the High Weald Area of Outstanding Natural Beauty through its transport impacts.*

Where practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Neighbourhood Plans can set local standards for car parking provision provided that it is based upon evidence that provides clear and compelling justification for doing so.'

HNP Policy T3 requires onsite parking in accordance with the standards adopted by MSDC.

The WSCC LHA does not object to this proposal subject to the recommendation of planning conditions. The LHA comments that;

'Summary

This application seeks the demolition of an existing car port and construction of a three-bedroom dwelling with associated landscaping. The site is located off Wivelsfield Road, a B-classified road subject to a speed restriction of 30 mph. Following a review of the submitted application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility

The site is served by an existing dropped kerb access from Wivelsfield Road, and a private access drive will run north of 43 Wivelsfield Road to a shared parking area. From inspection of WSCC mapping, there are no apparent visibility concerns with the existing point of access on Wivelsfield Road. In addition, the proposed development is not anticipated to give rise to a significant material intensification of use of the existing access point.

Works are proposed to the existing access point, and these improvement works will be subject to a licence obtained through the local WSCC Highway Area Office and constructed to a specification agreed with the local WSCC Highway Area Engineer.

Parking and Turning

The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require two car parking spaces. From inspection of the plans, there appears to be suitable space within the shared parking area to accommodate this demand, with space for on-site turning to be achievable.

No details of cycle parking provision have been provided, and the LHA would request that secure cycle parking provision for two bicycles be provided for the proposed dwelling in accordance with WSCC Parking Standards.

Servicing

Manual for Streets states that waste collection vehicles should be able to access within 25m of the bin storage point and that residents should not have to carry bins more than 30m where at all practical. However, this would not be raised as a highway safety concern but an amenity issue for the LPA to consider.

Sustainability

The site is situated in a sustainable location within walking/cycle distance of local services, amenities and public transport connections. Cycling is a viable option in the local area.

Conclusion

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

The Highway Authority is satisfied that there is parking provision for 5 cars on the site and that this is acceptable for existing and proposed houses.

The LHA view is accepted and agreed with from a planning perspective and given the above comments, it is therefore considered that the proposed development complies with DP21 of the MSDP, T3 of the HHNP and paragraphs 115 and 116 of the NPPF.

Impact on Residential Amenity

Policy DP26 in part states:

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

Policy H9 of the HHNP requires that 'the privacy, daylight, sunlight and outlook of adjoining residents are safeguarded.' There is thus a different test of amenity between DP26 and H9.

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. As such, policy DP26 of the MSDP is considered to take precedence and therefore the test in this instance is whether the development causes significant harm to neighbouring amenities as outlined above.

The MSDG SPD also states:

'Principle DG45: Privacy of existing and future residents

Applicants will need to demonstrate how privacy will be achieved between new and existing developments.

The following elements can have an impact on privacy:

- o The relationship of buildings to each other including the positioning and design of windows and doors;*
- o The topography and relative height of adjacent buildings;*
- o The provision of good noise insulation;*
- o The relationship of the parking, gardens, front defensible space, balconies with the adjacent buildings; and*
- o The position and arrangement of habitable rooms.*

Direct overlooking of private amenity space from habitable rooms in neighbouring properties should normally be avoided.

Set-back upper floors, recessed balconies and generous internal courtyards can all help to deliver higher densities whilst respecting privacy. Because they are usually more visible, the privacy of ground floor flats should particularly be considered, and the provision of dedicated private rear gardens will often be necessary.'

Privacy/Overlooking

First floor windows are proposed on the northern side, front and rear. The loft (roof void) is also proposed to have a bedroom and bathroom within it with a rooflight on the front and rear and a rear dormer window.

The window in the northern side elevation is a landing window and is shown on the proposed floor plans as having opaque glass. As such no significant harm will result in terms of overlooking and a loss of privacy to the north.

The windows proposed at first floor at the rear would serve a bathroom and bedroom. The bathroom will have obscure glass. The proposed window on the southern half of the property would face towards the

end of a long garden in St Johns Road. There are other existing properties flanking the site with a similar relationship and as such this is not considered to amount to significant harm in terms of overlooking and a loss of privacy. The dormer window is also to a bathroom and will have obscure glass.

Outlook

Given the above, it is also the case that the proposed dwelling would not have an overpowering effect in terms of outlook and when viewed by the occupants of adjoining and nearby properties. The separation distance between the rear of no.43 Wivelsfield Road and the front of the proposed dwelling is approximately 22m which is considered to be an acceptable distance for housing in a built up residential environment.

Daylight and Sunlight

In terms of overshadowing and loss of daylight/sunlight, this is a back land site and the proposed siting of the dwelling house is adjacent to a driveway and parking. It will also be sited in a gap between existing houses which is a typical relationship for houses in a built up residential area. No substantial harm would result for the occupants of adjoining properties in this respect.

Noise, Air and Light Pollution

In terms of noise, this is a three bedroom, 4 person dwelling house which is of a modest size. It is therefore unlikely that the level of activity generated (and given the existing surrounding built environment) would amount to substantial harm in terms of noise.

As such, the application proposal is considered to be acceptable having regard to residential amenity and would not amount to substantial harm all in accordance with the criteria of relevant policies DP26, H9 and national policy contained within the NPPF.

Housing 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. Policy DP27 of the District Plan supports this.

Technical Nationally Described Housing Standards requires a 3 bedroom two storey house (the application form states that the proposed dwelling is a 3 bedroom, 4 person dwelling) to have a minimum internal floor area of between 84 and 102 sqm with 2.5 sqm of storage.

The proposed dwelling will have an internal floor area of about 112.3 sqm including storage area.

As such, the application is over and above the minimum internal floor area required and complies with Technical Standards and DP27.

Accessibility

In addition, Policy DP28 of the District Plan relates to accessibility and requires all development to meet and maintain high standards of accessibility so all users can use them safely and easily.

The proposed dwelling would need to be compliant with building regulation standards to ensure that it is accessible.

Section 3.3 of the design and access statement confirms that level access routes will be provided and this includes across the threshold. The ground floor plan also illustrates an open plan living arrangement to create ease of access.

The proposal would therefore provide a satisfactory standard of accommodation for future occupiers of the units proposed and thereby comply with Policy DP28 of the District Plan.

Flood Risk and Drainage

Policy DP41 relates to flood risk and drainage and requires development to demonstrate it is safe across its lifetime and not increase the risk of flooding elsewhere.

The application is accompanied by a foul sewage and surface water sustainable drainage assessment prepared by Geosmart Information Ltd.

The Council's drainage engineers have raised no objection and have reviewed the information submitted in support of the above application and conclude that the site is shown to be at very low surface water flood risk. The principle of the surface water and foul water drainage system is considered acceptable.

Given the above and subject to the planning condition for the approval of further details, the proposed development is acceptable in relation to this issue and satisfies the criteria of relevant planning policies (DP41 of the MSDP) as mentioned above.

Ecology

MSDC Policy DP38 states:

'Biodiversity will be protected and enhanced by ensuring development;

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

Designated sites will be given protection and appropriate weight according to their importance and the contribution they make to wider ecological networks.

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

Geodiversity will be protected by ensuring development prevents harm to geological conservation interests, and where possible, enhances such interests. Geological conservation interests include Regionally Important Geological and Geomorphological Sites.'

The Ecology comments have confirmed that a preliminary bat roost assessment is not required following the submission of photographs which showed an open sided garage building.

The site is in a green zone for GCN's within a built up residential area where there would be no risk to GCN's from the proposed development.

It is considered that from an ecology perspective, the application proposal is acceptable and in accordance with DP38 and national guidance within the NPPF.

Trees

Policy DP37 states:

'The District Council will support the protection and enhancement of trees, woodland and hedgerows, and encourage new planting. In particular, ancient woodland and aged or veteran trees will be protected.

Development that will damage or lead to the loss of trees, woodland or hedgerows that contribute, either individually or as part of a group, to the visual amenity value or character of an area, and/ or that have landscape, historic or wildlife importance, will not normally be permitted.

Proposals for new trees, woodland and hedgerows should be of suitable species, usually native, and where required for visual, noise or light screening purposes, trees, woodland and hedgerows should be of a size and species that will achieve this purpose.

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:
o incorporates existing important trees, woodland and hedgerows into the design of new development and its landscape scheme; and
o prevents damage to root systems and takes account of expected future growth; and
o where possible, incorporates retained trees, woodland and hedgerows within public open space rather than private space to safeguard their long-term management; and
o has appropriate protection measures throughout the development process; and
o takes opportunities to plant new trees, woodland and hedgerows within the new development to enhance on-site green infrastructure and increase resilience to the effects of climate change; and
o does not sever ecological corridors created by these assets.

Proposals for works to trees will be considered taking into account:

o the condition and health of the trees; and
o the contribution of the trees to the character and visual amenity of the local area; and
o the amenity and nature conservation value of the trees; and
o the extent and impact of the works; and
o any replanting proposals.

The felling of protected trees will only be permitted if there is no appropriate alternative. Where a protected tree or group of trees is felled, a replacement tree or group of trees, on a minimum of a 1:1 basis and of an appropriate size and type, will normally be required. The replanting should take place as close to the felled tree or trees as possible having regard to the proximity of adjacent properties.

Development should be positioned as far as possible from ancient woodland with a minimum buffer of 15 metres maintained between ancient woodland and the development boundary.'

Policy E9 of the HHNP states that the proposed design should sensitively incorporate natural features such as trees, hedges and ponds within the site.

The application form states that there are no trees or hedges on the site. However, it should be noted that this does conflict with the planning, design and access statement which refers to a hedge which will be retained during construction.

The landscaping drawing has also been amended (rev B) to include a native smaller tree which is proposed to be planted in the front garden. This is considered to be in accordance with policies DP37 and E9.

Sustainability

MSDP Policy DP39 states;

All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- *Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- *Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- *Use renewable sources of energy;*
- *Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- *Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- *Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience.*

Principle DG37 of the Council's Design Guide deals with 'sustainable buildings and states;

The Council welcomes innovative and inventive designs that respond to the sustainability agenda by minimising the use of resources and energy both through building construction and after completion.

It lists a number of issues that designers should consider, including, amongst others, the incorporation of renewable energy technologies.

Paragraph 164 (b) of the NPPF seeks to ensure new development helps, *'to reduce greenhouse gas emissions, such as through its location, orientation and design.'* In determining planning applications paragraph 166 (b) expects new development to, *'take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.'*

At section 1.3 and 8.1 of the design and access statement it describes how the proposed development meets the three objectives of sustainability in terms of the economy, environmental and social factors.

This is through the construction of jobs during the build, more local spending, new homes bonus and additional council tax receipts. Socially, the addition of another dwelling in the built up area would contribute positively to stronger, vibrant and healthier communities. Environmentally, it is considered that the proposed development would not have an adverse impact on the surrounding built environment. The landscaping plan seeks to restore and enhance the sites ecological value by incorporating native plant species and encouraging wildlife following the installation of bird and bat boxes.

In design terms, the proposed building will have to meet building regulation standards which seeks to maximise energy efficiency. The design includes the provision of photovoltaic panels, high performance insulation and water efficient fixtures.

The proposed development is therefore compliant with relevant policy DP39, MSDG principles and national policy in the NPPF on 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. 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 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

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

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

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

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

At 7.1 of the Planning, Design and Access Statement the proposal is expected to achieve at least 10% increase in biodiversity value.

The ecology consultant has raised no objection to the application subject to planning conditions. They state:

'We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required. This includes the Biodiversity Gain Plan (June 2025), Small Sites Metric (June 2025) and Pre-Development Baseline Map and Post Development Map.' Your Planning Officer has no reason to question or dispute this specialist advice.

As such, it is considered that BNG can be provided on site and will meet with the requirements of Schedule 7A of the Town and Country Planning Act 1990.

PLANNING BALANCE AND CONCLUSION

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

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP21, DP26, DP27, DP34, DP37, DP38, DP39 and DP41 and Neighbourhood Plan policies E9, E13, T3 and H8 as well as the design principles in the Mid Sussex Design Guide and national guidance contained within the provisions of the NPPF.

As a result, it is considered that the application complies with the Development Plan when read as a whole.

As the Council is currently unable to demonstrate a five year supply of deliverable housing sites, the proposal would result in the provision of 1 new dwelling which will make a minor but positive contribution to the district's housing supply and requirement. The proposal would also result in construction jobs over the life of the build and the increased population likely to spend in the community. Because, however, of the small scale of the development proposed these benefits would be very limited. It should also be noted that the house is in a sustainable location and close to public transport, services and facilities which is positive in the planning balance.

The proposal would have a neutral effect in terms of design/character, impact on the setting of nearby heritage asset, highways and parking, neighbouring amenity and drainage. There will be no likely significant effect on the Ashdown Forest SPA and SAC.

In weighing up these issues, when taken together, it is considered that there are no adverse impacts of the development which would significantly or demonstrably outweigh the benefits of the proposal.

There are no other material considerations that would alter the above planning balance.

Overall, the planning balance is considered to fall significantly in favour of approving planning permission.

Decision: Permission

Case Officer: Rachel Richardson