

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/3034	Case Officer:	Caroline Grist
Application Type:	Full Application		
Proposal:	Erection of detached dwelling with attached garage, associated parking and new access from Ockley Lane (Revision of application DM/23/2741)		
Site:	White Lodge, Ockley Lane, Hassocks, Burgess Hill, West Sussex, RH15 0BP, ,		
Validation Date	20 Dec 2024	Overall Expiry Date:	12 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	6 Jun 2025
Target Date:	14 Feb 2025	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	3
--	--	-------------------------------	---

Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	28 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/3034

**White Lodge, Ockley Lane, Hassocks, Burgess Hill, West Sussex, RH15 0BP,
Erection of detached dwelling with attached garage, associated parking and new access from
Ockley Lane (Revision of application DM/23/2741)
Mr B Holding**

SUMMARY OF REPRESENTATIONS

Four representations have been received in response to this application, three in objection and one in support.

In summary, the following issues were raised;

- The dwelling is to be sited within the countryside, the council has a five year housing land supply and the proposal would therefore not comply with policies DP6 and DP12 of the District Plan;
- The application does not show the house in relation to ancient woodland to the south and east of the site nor the 15 metre buffer;
- The access and drainage are shown within the 15 metre ancient woodland buffer;
- Three trees are to be removed in order to accommodate the development;
- White Lodge and Acres are on a sloping site and heavy rain drains from White Lodge into Acres, which impermeable surfaces would worsen;
- The properties on Ockley Lane have no mains drainage and septic tank overflow will make the drainage situation worse;
- The plot is not large enough for adequate soakaways for a dwelling of this size; and
- Highways safety concerns arising from the access and north bound traffic.

The following points have been made in support of the scheme:

- House would fit in with the environment and compliment other surrounding properties;
- Existing tennis court is unusable and unsightly;
- The re-positioned access would provide excellent visibility splays;
- Permission has been granted for houses at Batchelors Farmhouse; and
- The strategic gap does not seem relevant to this application.

SUMMARY OF CONSULTATIONS

Southern Water

Southern Water has determined the Flow rate for the above site will remain the same/similar as capacity is not an issue and no southern water assets will be affected. Therefore, Southern water has no objections to this proposal.

Surface water should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations.

Any new connections to the public sewerage system will require a New Sewer Connection application (we sometimes refer to this as a Section 106) to be submitted and approved by Southern Water.

Due to changes in legislation that came in to force on 01 October 2011 regarding the future ownership of sewers it is possible that some previously owned private sewers now deemed to be public could also be crossing the above property which are not shown on the Southern Water records. Therefore, should any other sewer be found during construction works, an investigation of the sewer will be required to

ascertain its condition, the number of properties served, and the potential means of access before any further works commence on site.

Highways Authority

This application seeks the erection of a detached dwelling with new access and associated parking. The site is located on Ockley Lane, a C-classified road subject to national speed limit in this location.

For context, this application is a resubmission of withdrawn application DM/23/2741, which sought similar proposals at this site. WSCC as Local Highway Authority (LHA) was a consultee for application DM/23/2741, ultimately raising no highways objections to the proposals.

Access

The existing southern access point is to be permanently closed off, and a new vehicular access is proposed further north. The proposed access appears to be the same as that of the preceding application DM/23/2741, which was previously assessed and considered acceptable by the LHA.

Visibility splays of 2m x 120m to the north and 2m x 64m to the south have been demonstrated. The demonstrated visibility was accepted by the LHA for application DM/23/2741, but again I would request that maximum achievable visibility splays from a 2.4m setback distance also be secured. I note that the submitted plan "VS01 Rev. A" attempts to demonstrate this, but the splays are not drawn to the nearside edge of the carriageway, and seem to cut through third party land. Therefore, these should be redrawn, and as per the previous application, I am minded to advise a condition securing details of visibility splays from a 2.4m setback distance be provided.

The proposed access 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 three car parking spaces. From inspection of the plans, the proposed dwelling exhibits suitable space within the proposed driveway and garage to accommodate the anticipated parking demand. On-site turning appears achievable, allowing vehicles to exit the site in a forward gear.

Regarding cycle parking, the proposed garage/store appears of sufficient size to accommodate at least two bicycles in accordance with WSCC Parking Standards.

Sustainability

The site is situated equidistant from the towns of Burgess Hill and Hassocks, both offering services, amenities and public transport connections. However, I would note that this section of Ockley Lane lacks formal footways and streetlighting, so residents may have a reliance on the private car. Cycling is a viable option for confident cyclists.

Conclusion

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.

Conditions relating to the access, car parking and visibility as well as an informative relating to the vehicle crossover are recommended.

Ecological Consultant

We have reviewed the Ecological Appraisal Report (Whychwood Environmental Ltd., December 2024), relating to the likely impacts of development on designated sites, protected & Priority species and habitats, and identification of appropriate mitigation measures.

In addition, we have reviewed the submitted Self-Build and Custom Build Statement and Application Form relating to mandatory biodiversity net gains.

We note that the garage (Building B1) and summerhouse (Building B2) both have negligible bat roost potential and that the majority of trees onsite have negligible bat roost potential (Ecological Appraisal Report (Whychwood Environmental Ltd., December 2024)). We therefore agree that no further surveys for bats or these trees are required.

We also note that the small dead tree on the eastern boundary has Potential Roost Features for individual bats (PRFs-I). We highlight that appropriate compensation for all PRF-Is must be provided in advance of impacts to avoid loss of roost resource and that soft felling methods must be supervised by a suitably qualified ecologist under a non-licensed precautionary method statement (UK Bat Mitigation Guidelines CIEEM Version 1.1 (Reason and Wray, 2023)).

As there are log piles onsite which could provide suitable habitat for reptiles and the site has the potential to support mobile species such as Hedgehog (which is a Priority and threatened species), we support the implementation of the Precautionary Method Statement for mobile species in Section 6.10 of the Ecological Appraisal Report (Whychwood Environmental Ltd., December 2024). This should be secured by a condition of any consent and implemented in full.

We note that the southern and eastern boundaries lie adjacent to Ockley Woodland and are mapped as ancient woodland (irreplaceable habitat) on MAGIC maps. However, we understand from the Arboricultural Implications Report & Method Statement (David Archer Associates, November 2024) that ground truthing indicates that there is now only a 77m line of trees on the eastern boundary and all of these trees are being retained. Ground truthing of the southern boundary indicates that this boundary now comprises predominantly non-native trees (Ecological Appraisal Report (Whychwood Environmental Ltd., December 2024)). We therefore support the recommendation to implement a 15m buffer between the ancient woodland and the development in the Ecological Appraisal Report (Whychwood Environmental Ltd., December 2024)).

We are satisfied that there is sufficient ecological information available to support determination of this application. However, please note that we have no comments on Great Crested Newt as we have been instructed to leave comments on this European Protected Species to the NatureSpace Partnership.

This provides certainty for the LPA of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecological Appraisal Report (Whychwood Environmental Ltd., December 2024) should be secured by a condition of any consent and implemented in full. This is necessary to conserve and enhance protected and Priority species particularly those recorded in the locality.

With regard to mandatory biodiversity net gains, it is highlighted that we have reviewed the submitted Self Build and Custom Build Statement and Application Form. Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. As a result, we have reviewed the submitted details and are satisfied that this application is exempt, as the proposal is for one self-build dwelling for an area less 0.5 ha. A condition may be considered necessary to be imposed by the council to ensure that the development must be occupied by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years.

We support the proposed reasonable biodiversity enhancements for protected, Priority and threatened species, which have been recommended to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). The reasonable biodiversity enhancement measures should be outlined within a separate Biodiversity Enhancement Layout and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006 (as amended) and delivery of mandatory Biodiversity Net Gain.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013. We recommend that submission for approval and implementation of the details should be a condition of any planning consent.

Drainage Engineer

Final Comments

We have reviewed the additional information submitted (Drawing title: Drainage Strategy Date: August 2023 Drawing Number 101 Rev PL4 by CGS Civils) and have no objection on drainage grounds subject to a condition.

Tree Officer

Final Comments

I have reviewed the updated information for this application and have no objection.

Please do condition the Arboricultural Implications Assessment, Tree Protection Plan and Method Statement.

Street Naming and Numbering Officer

Informative recommended.

PARISH COUNCIL OBSERVATIONS

RECOMMEND REFUSAL. This proposed application represents development within the Local Gap between Keymer/Hassocks and Burgess Hill as defined on the Proposals Map of the Hassocks Neighbourhood Plan (HNP). Therefore this proposal is contrary to HNP Policy 1 which states that these defined gaps will be safeguarded with 'the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.'

INTRODUCTION

The application seeks planning permission to construct a detached dwelling with attached garage, associated parking and new access from Ockley Lane.

RELEVANT PLANNING HISTORY

DM/20/4644 - Proposed demolition of an existing double garage and the erection of a double garage, garden store and store room/hobbies room above. Withdrawn.

DM/21/2518 - Proposed erection of an outbuilding to be used as a garden store and store room/hobbies/study room above. Permission.

DM/22/0030 - Lawful development certificate for the continued use of an existing driveway. Refused.

DM/22/3607 - Closure of the existing secondary access and the creation of a new secondary access. Refused.

DM/23/2741 - Erection of detached 5 bed dwelling with new access from Ockley Lane and associated parking. Withdrawn.

SITE AND SURROUNDINGS

White Lodge is a two storey, north east facing, detached dwelling. The building has an 'L' shaped footprint, with an integral triple bay garage, and an area of hardstanding to the front. The private amenity space for this property is situated to the south and west of the house and it is towards the southern end of the garden to where this application relates.

The site is situated outside of the built up area of Hassocks and is therefore within the countryside. Neighbouring dwellings are located to the north and south, whilst the highway is to the east and fields are to the west. There is also a strip of ancient woodland along the eastern boundary of the site.

APPLICATION DETAILS

The application seeks planning permission for a detached, five bedroom, two storey house that would contain an integral garage. It is to be located within the northern part of the site. On the ground floor a sitting/kitchen/dining area, snug, study/family room, utility room, W.C and garage are proposed as well as a bedroom with en-suite. Four bedrooms and a bathroom are proposed on the first floor. One bedroom is to have an en-suite and another a dressing room and en-suite.

The main core of the house is to be some 15.0 metres wide and 10.3 metres deep, with an additional ground floor projection to the rear that would be some 4.8 metres deep and 5.0 metres wide. The garage, with utility room, would be an additional some 6.9 metres in width. A pitched roof design is proposed that would measure approximately 4.6 metres to the eaves and 7.5 metres to the ridge. The elevations are to be finished in red brick, with white timber cladding at the first floor level. The roof is to be slate.

A new access is to be created from Ockley Lane as well as an area of hardstanding to the property frontage that is to be finished in eco-containment gravel. There is an existing garage and summer house on the site, which are to be removed, and the house is to be positioned on an existing tennis court.

LEGAL FRAMEWORK AND LIST OF POLICIES

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

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

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

- a) The provisions of the development plan, so far as material to application,*
- b) And 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 and the Hassocks Neighbourhood Plan.

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

Mid Sussex District Plan (adopted March 2018)

Relevant policies:

DP6 - Settlement Hierarchy
DP12 - Protection and Enhancement of the Countryside
DP15 - New Homes in the Countryside
DP21 - Transport
DP26 - Character and Design
DP27 - Dwelling Space Standards
DP30 - Housing Mix
DP37 - Trees, Woodland and Hedgerows
DP38 - Biodiversity
DP39 - Sustainable Design and Construction
DP41 - Flood Risk and Drainage

Site Allocations Development Plan Document (adopted June 2022)

There are no relevant policies.

Hassocks Neighbourhood Plan (made June 2020)

Relevant policies:

Policy 1 - Local Gap
Policy 4 - Managing Surface Water
Policy 5 - Enabling Zero Carbon
Policy 9 - Character and Design

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 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:

DPS2 - Sustainable Design and Construction
DPS4 - Flood Risk and Drainage
DPS6 - Health and Wellbeing
DPN1 - Biodiversity, Geodiversity and Nature Recovery
DPN4 - Trees, Woodland and Hedgerows
DPC1 - Protection and Enhancement of the Countryside
DPC3 - New Homes in the Countryside
DPB1 - Character and Design

DPT1 - Placemaking and Connectivity
DPH1 - Housing
DPH2 - Sustainable Development - Outside the Built-up Area
DPH7 - Housing Mix

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 objectives to sustainable development, such that the planning system needs to perform an economic objective, a social objective and an environmental objective.

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

National Design Guide/Code

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.

Technical Housing Standards

ASSESSMENT

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

- Principle
- Design and Impact on character of the area
- Impact on Residential Amenity
- Highways
- Sustainable location of the site
- Housing Standards
- Flood Risk and Drainage
- Ecology
- Trees, Woodland and Hedgerows
- Sustainability
- Self-build
- Biodiversity Net Gain
- 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 outside of the built-up area of Hassocks as defined by the District Plan. As such the site is located within the defined Countryside.

Policy DP12 of the District Plan refers to the protection of the Countryside and states, in part, that development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District, and is necessary for the purposes of agriculture or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.

Policy DP6 of the District Plan states in part that:

'Outside defined built-up area boundaries, the expansion of settlements will be supported where:

1. *The site is allocated in the District Plan, a Neighbourhood Plan or subsequent Development Plan Document or where the proposed development is for fewer than 10 dwellings; and*
2. *The site is contiguous with an existing built up area of the settlement; and*
3. *The development is demonstrated to be sustainable, including by reference to the settlement hierarchy.'*

The proposed residential development does not meet any of these criteria.

Policy DP15 of the District Plan refers to new homes in the countryside and sets out the special justifications where new homes would be permitted. Special justification would include;

- Essential agricultural or forestry workers accommodation; or
- Exceptional design quality for isolated new homes; or
- Rural exception sites; or
- DP6 requirements being met

The proposed residential development does not meet any of these special justifications.

Policy 1 of the Hassocks Neighbourhood Plan states:

'Local Gaps have been defined and will be safeguarded between:

- a. *Keymer/Hassocks and Ditchling;*
- b. *Keymer/Hassocks and Hurstpierpoint; and*
- c. *Keymer/Hassocks and Burgess Hill.*

As defined on the Policies Map with the objectives of preventing coalescence and retaining the separate identity and amenity of settlements.

Development will be supported within the Local Gap where:

- 1. *It is necessary for the purposes of agriculture, or other uses which accord with national and local policies for the use of land and buildings in the countryside; or*
- 2. *It is a scheme for housing that is in accordance with MSDP Policy DP6 (1-3) or Policy SD25 of the South Downs Local Plan as appropriate to the location of the proposed development; and it would not compromise individually or cumulatively the objectives and fundamental integrity of the gaps between Hassocks and the settlements of Ditchling, Hurstpierpoint, and Burgess Hill'.*

The application site is situated within the Keymer/Hassocks and Burgess Hill Local Gap. Whilst the proposal is not supported by policy DP6, as set out above, it is considered that the addition of a single house along Ockley Lane would not result in the coalescence of settlements.

There are no other relevant policies in the District Plan, any other development plan documents such as the Site Allocations document, or the Neighbourhood Plan that would explicitly support the residential development of this site. The principle of the application does conflict with the development plan, in terms of what type of development is allowable under Policies DP6, DP12 and DP15.

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).

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 DP12 (Protection and Enhancement of the Countryside) seeks to protect the intrinsic character and beauty of the countryside. While it does seek to restrict certain forms of development, it is not considered to be a policy directly related to the supply of housing, however it is recognised that given the Council is unable to demonstrate a five year land supply and given the aim of the NPPF to boost significantly the supply of housing, the weight that can be afforded to this policy is moderate.

Policy DP15 (New Homes in the Countryside) identifies the types of new homes that will be permitted in the countryside, where special justification exists. While this policy relates to the provision of housing, the aims are consistent with paragraphs 82 - 84 of the NPPF and as such this policy can be given full weight.

Therefore, the key test that must be undertaken when assessing this application is as set out within para 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.

It is noted that a representation letter has been received which support the application as due to its size it would allow local people to afford to live there. There is no mechanism to ensure that the property would be bought by a local person and as such it is not considered to be a material consideration in the determination of this application.

Design and Impact on the Character and Appearance of the Area

Policy DP12 of the Mid Sussex District Plan in part states:

'The countryside will be protected in recognition of its intrinsic character and beauty. Development will be permitted in the countryside, defined as the area outside of built-up area boundaries on the Policies Map,

provided it maintains or where possible enhances the quality of the rural and landscape character of the District.'

Paragraph 187 of the NPPF contains a similar ethos and states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;'*

Policy DP26 of the Mid Sussex District Plan in part states:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- 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 DP27);*
- 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.'*

A similar ethos is contained within policy 9 of the Hassocks Neighbourhood Plan and the Mid Sussex Design Guide SPD. Chapter 6 of the Mid Sussex Design Guide SPD relates to high quality and sustainable building design.

The property is situated within the countryside, in a verdant area, that is characterised by loose knit development, on good sized plots, set back from the highway, predominantly behind mature planting and trees. The site currently comprises garden space, associated with White Lodge, and is enclosed on the eastern and southern boundaries by close boarded fencing and trees. Whilst there is a tennis court in this section of the garden, where the house is to be built, it is not readily visible from the highway.

The dwelling would result in an intensification of development within this semi-rural area, which is currently characterised by sporadic loose knit development in the locality. This character relates to the site being set within the countryside, away from the built up boundaries with Hassocks and Burgess Hill.

The development of this garden land with a large detached dwelling and hardstanding is considered to be out of keeping with the existing character and form of other dwellings in the locality which are of a sporadic nature. As such, it is considered that the proposal would not relate to the semi-rural character of the area and form an intensification in development out of keeping with the locality.

Neighbouring Amenities

Policy DP26 in part seeks to ensure that development:

'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);'

Criterion 6 of policy 9 of the Hassocks Neighbourhood Plan states:

'Does not cause unacceptable harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security'.

Policy DP26 of the Mid Sussex District Plan states that proposals should not cause 'significant harm' adjoining neighbours' amenity whereas policy 9 of the Hassocks Neighbourhood Plan states that development should not cause 'unacceptable harm' to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight, sunlight and security. There is therefore some conflict between the District Plan and Neighbourhood Plan in this respect. 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 9 is considered to take precedence and therefore the test in this instance is whether the development causes unacceptable harm to neighbouring amenities as outlined above.

A similar ethos is contained within the Mid Sussex Design Guide SPD.

The neighbour to the north of the site would be White Lodge. This dwelling is orientated so it faces the highway at an angle, compared to the proposed dwelling directly facing the highway. Furthermore the proposed house is to be set to the rear of White Lodge and would be set away from this dwelling. No windows are proposed that would directly face onto White Lodge and, as such, it is considered that there would not be an unacceptable impact to this neighbour's amenity.

Ockley Wood is to the south of the application site. Along this boundary there is close boarded fencing as well as trees. The proposed dwelling is to be positioned to the north of the site and Ockley Wood is also set away from the shared boundary. There are no windows that would face onto this neighbour. As such it is concluded that there would not be an unacceptable impact to the amenity of Ockley Wood.

Due to the residential nature of the proposal, it is considered that there would not be a harmful impact in terms of noise, air or light pollution. The proposal would therefore comply with the requirements of policy DP26 of the Mid Sussex District Plan and policy 9 of the Hassocks Neighbourhood Plan in respect of neighbouring amenities.

Highways matters

Policy DP21 of the Mid Sussex District Plan in part states:

'... 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.'

The Highways Authority have been consulted as part of this application and provided comments on the proposal. Objection has also been raised by a neighbour in relation to highways safety matters.

It has been noted by the Highways Authority that a new access is to be created as part of this proposal and that Ockley Lane is subject to the national speed limit in this location. In terms of the new access arrangement no objection has been raised. Whilst an issue has been identified with the proposed visibility splays that have been provided, the Highways Authority is satisfied that this matter can be resolved through a planning condition.

With regards to car parking, the West Sussex County Council Car Parking Demand Calculator would require three spaces for a dwelling of this size in this location. The Highways Authority are satisfied that there is sufficient space for this level of parking to be provided and for on-site turning to be achieved, allowing cars to exit the site in a forward gear. It is further advised that that the proposed garage would provide sufficient space for cycle parking.

The Highways Authority therefore raises no objection to the proposed development, subject to conditions relating to the access, car parking and visibility. These conditions are considered to be reasonable and necessary to ensure compliance with policy DP21 of the Mid Sussex District Plan and, with their inclusion, would ensure that the proposal would comply with local policy.

Sustainable location of the site

The accessibility of the site, or the sustainable location of it, is a key consideration. Paragraph 110 of the NPPF states that:

'The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making'.

The application site is positioned between the settlements of Burgess Hill and Hassocks, at the northern end of Ockley Lane. Burgess Hill is identified by the District Plan as a Category 1 Settlement:

'Settlement with a comprehensive range of employment, retail, health, education leisure services and facilities. These settlements will also benefit from good public transport provision and will act as a main service centre for the smaller settlements'.

Hassocks is listed as Category 2 Settlement:

'Larger villages acting as Local Service Centres 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'.

Whilst both of these settlements offer a range of services, the site is over a mile away from Burgess Hill town centre and approximately a mile and a half from Hassocks. The submitted Design and Access Statement reflects this, noting that the site is 670m outside of the built up area of Hassocks and 720m from the built up area of Burgess Hill. These distances, however, are not to the centres, where facilities are found.

The Highways Authority have advised that the site is equidistant from the towns of Burgess Hill and Hassocks, both offering services, amenities and public transport connections. This section of Ockley Lane, however, is identified as lacking formal footways and streetlighting, so residents may have a reliance on the private car. Cycling is also stated as a viable option, but only for confident cyclists.

It is agreed that there are no footpaths along this section of Ockley Lane, which would enable occupiers to walk to services and facilities. Furthermore, this part of the road is unlit and subject to a 60mph speed limit. Future residents would therefore be most likely dependent on the private car to access day to day services. With the above in mind, the proposed development is not considered to be sustainably located, thereby conflicting with this element of policy DP21 of the District Plan.

Housing Standards

Policy DP27 of the District Plan states that all new residential development should comply with minimum nationally described space standards for internal floor space and storage.

The proposed house would accord with the requirements in terms of overall floor space, bedroom size and storage. As such the unit would comply with Policy DP27 of the District Plan.

Flood Risk and Drainage

Policy DP41 of the Mid Sussex District Plan in part states:

'Particular attention will be paid to those areas of the District that have experienced flooding in the past and proposals for development should seek to reduce the risk of flooding by achieving a reduction from existing run-off rates.'

Policy 4 of the Hassocks Neighbourhood Plan sets out:

'Technical proposals which seek to reduce the risk of surface water flooding will be supported. Development proposals should seek to reduce existing run-off rates in the first instance.'

'Development proposals which incorporate sustainable drainage techniques to manage surface water will be supported. Where technically feasible sustainable drainage techniques should include infiltration measures that reflect natural drainage patterns and manage water as close to its source as possible'.

The application has been reviewed by the Drainage Engineer and, whilst satisfied in principle with the approach to foul and surface water drainage, further information was requested. This was to evidence that the applicant has the right to connect into the neighbouring system and that this system has a downstream connection into the local watercourse network that can cater for the additional flows proposed.

This information has been supplied and reviewed by the Drainage Engineer, who raised no objection subject to a condition.

The drainage plan was also further amended so that it took into account the 15m ancient woodland buffer and the tree protection areas. It has been confirmed by the Drainage Engineer that there would still be no objection to the proposal, subject to the inclusion of a condition to secure the final surface and foul water drainage details.

Trees and Ecology

Policy DP37 relates to trees and ancient woodland, stating:

'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 DP38 of the Mid Sussex District Plan states in part that development:

'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).'

In terms of the impact to trees, the Tree Officer initially raised questions regarding the impact of the garage demolition and construction of the southern entrance and the numbering of the trees. A Tree Protection Plan was also requested for the demolition stage of the construction. An updated Arboricultural Implications Report and Method Statement and Tree Protection Plan were therefore

provided to address these matters. The Tree Officer has reviewed this information and confirmed that, subject to these documents being conditioned, there would be no objection to the proposal.

With regards to ancient woodland, it should be noted that it currently forms part of an existing garden. The submitted ecological report states the following on this matter:

'the eastern boundary of the site may not be ancient woodland and the ecological survey did not record any woodland on site only a treeline with a disturbed ground cover'.

It further states that the new dwelling is to be sited on the existing tennis court and that the building and the hardstanding will be situated outside of the 15 metre buffer for the ancient woodland. No trees are also listed as being removed for the new access point. Whilst a neighbour has noted that trees are to be removed to accommodate the development, the arboricultural report states that these trees are not within the ancient woodland.

The submitted information has also been reviewed by the Ecological Consultant, who has noted that the ancient woodland comprises only a 77m line of trees on the eastern boundary. These trees are to be retained. It is also indicated that the southern boundary now comprises predominantly non-native trees. No objection is therefore raised on this matter and the recommendation to implement a 15m buffer between the ancient woodland and the development in the Ecological Appraisal Report is supported.

It was also identified that some of the proposed drainage works would occur within the 15m ancient woodland buffer and the tree protection areas. Revised drainage information has therefore been provided, showing the tree protection fencing, and it has been confirmed that no new drainage is to be installed within the ancient woodland buffer.

In terms of other ecological matters, the Ecological Consultant is satisfied with the level of information that has been provided in relation to other protected species. The mitigation measures and biodiversity enhancements are supported and, subject to the inclusion of conditions to secure these, no objection is raised to the proposed development. It is therefore considered that the proposed development would accord with the requirements of policies DP37 and DP38 of the Mid Sussex District Plan.

Sustainability

Policy DP39 of the District Plan relates to sustainable design and construction and states that:

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

- o Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;*
- o Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;*
- o Use renewable sources of energy;*
- o Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;*
- o Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;*
- o 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.'*

Policy 5 of the Hassocks Neighbourhood Plan relates to enabling zero carbon:

'Development proposals will be supported that maximise the opportunity to include sustainable design features, providing any adverse local impacts can be made acceptable.

Residential development proposals that modify existing buildings (including extensions) should seek to maximise the inclusion of energy-saving measures and renewable energy generation.

Proposals which make provision for charging electric vehicles at each dwelling (where feasible) and on-street; and making parking areas charging ready will be supported'.

The Planning, Design and Access Statement sets out that:

- o the dwelling will be built to the latest Building Regulations;
- o measures will be incorporated to ensure energy and water efficiency; and
- o sustainable building methods will be employed.

An Energy Statement has also been submitted that details the standard materials and their U-values for each major section of the building. It sets out that the specification exceeds Building Regulation energy usage standards. As such the proposal would accord with the requirements of local policy.

Self -Build

The proposal has been submitted to be a self-build dwelling as defined under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

The Local Planning Authority must now grant 'suitable development permissions' in respect of enough serviced plots of land to meet the demand for self-build and custom housing building in the authority's area.

Policy DP30 of the District Plan relates to housing mix and states:

'To support sustainable communities, housing development will:

- o *provide a mix of dwelling types and sizes from new development (including affordable housing) that reflects current and future local housing needs;*
- o *meet the current and future needs of different groups in the community including older people, vulnerable groups and those wishing to build their own homes. This could include the provision of bungalows and other forms of suitable accommodation, and the provision of serviced self-build plots; and*
- o *on strategic sites, provide permanent pitches for Gypsies and Travellers and Travelling Showpeople, as evidenced by the Mid Sussex District Gypsy and Traveller and Travelling Showpeople Accommodation Assessment or such other evidence as is available at the time; or the provision of an equivalent financial contribution towards off-site provision (or part thereof if some on-site provision is made) if it can be demonstrated that a suitable, available and achievable site (or sites) can be provided and made operational within an appropriate timescale, commensurate with the overall scale of residential development proposed by the strategic development; and serviced plots for self-build homes where a need for such accommodation is identified.*
- o *If a shortfall is identified in the supply of specialist accommodation and care homes falling within Use Class C2 to meet demand in the District, the Council will consider allocating sites for such use through a Site Allocations Document, produced by the District Council.*

Evidence of housing need will be based on the best available evidence (including local evidence provided to support Neighbourhood Plans)'.

The proposal to provide a self-build home is a material consideration in the determination of the application which is supported by planning policy. This provides a positive benefit to the proposed development.

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

comprises development that is exempt from providing biodiversity net gain. This is because the development consists of no more than nine dwellings, has a site area no larger than 0.5 hectares and consists exclusively of a custom build house.

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 Hassocks Neighbourhood Plan.

The application must be assessed against the policies of the development plan taken as a whole, this assessment has identified conflict with the development plan. This being in respect of what types of development are allowable under policies DP6, DP12 and DP15 of the District Plan and policy 1 of the Hassocks 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 judged against policies relating to settlement pattern, accessibility to services, and countryside character, the location and land use of the development proposed would conflict with policies DP6, DP12, DP15, DP21 and DP26 of the District Plan. As there are no policies in the District Plan which positively favour development of this kind in this location, there would be a conflict with the development plan as a whole.

These factors weigh heavily against the proposal.

On the positive side the provision of a net increase in 1 No. dwelling on the site will make a limited, but positive, contribution to the district's housing supply. 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 have limited weight.

The proposal would also result in a new homes bonus.

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 and the proposal does not represent sustainable development as defined by the NPPF. The proposal is considered to be contrary to District Plan policies DP6, DP12, DP15, DP21 and DP26 and there are no other material planning considerations to justify a decision otherwise than in accordance with the development plan.

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

Decision: Refusal

Case Officer: Caroline Grist