

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0135	Case Officer:	Deborah Lynn
Application Type:	Full Application		
Proposal:	Demolition of existing building and development of 4 dwellings, with associated access and landscaping.		
Site:	Finches, 75 Folders Lane, Burgess Hill, West Sussex, RH15 0DY, , ,		
Validation Date	21 Jan 2026	Overall Expiry Date:	24 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	2 Jul 2026
Target Date:	18 Mar 2026	Recommending Officer Signature:	Deborah Lynn

Date Legal Agreement Completed: (if applicable)		No of Representations:	6
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Signed and Agreed By:	Joanne Fisher	Date:	3 Jul 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0135

**Finches, 75 Folders Lane, Burgess Hill, West Sussex, RH15 0DY, ,
Demolition of existing building and development of 4 dwellings, with associated access and landscaping.**

Talbot Developments (Sussex) Ltd

SUMMARY OF REPRESENTATIONS

A total of 6 representations received (4 objecting and 2 neutral) making the following points:

- A boundary treatment plan should be submitted. Timber fence on boundary with 48 Wheelwright Lane is in disrepair. Mature conifers should be retained but reduced in height. If conifers not retained, 2.4 fence should be erected.
- If conifers not maintained, will grow higher and overbearing, blocking out light and creating loss of outlook. Should be removed as part of project.
- A Geotechnical Report and detailed foundation design required to ensure no ground movement or subsistence at neighbouring parties. Need to comply with Party Wall Act 1996.
- Proposal should achieve Secured by Design certification as concerned about security of boundary.
- Due to impermeable nature of clay, request connection to surface water sewer system is proposed. Soakaways are ineffective in this soil type and lead to waterlogging on adjoining land. Hierarchy of drainage should be followed.
- There is a high degree of bat activity in area and regularly encounter badgers. Flight paths and habitats should not be severed by layout or external lighting.
- New lighting should be considerate to neighbouring properties, no scheme with proposal.
- Proposal will remove nursery school who are operating without the correct permissions.
- With regards to amended drainage design, please clarify over land flooding mitigation, how will connection to manhole in Wheelwright Lane be completed? Existing foul sewer to be grubbed up, has engineer established no additional foul water connections up stream?
- Scale and layout of development is out of keeping with character of area.
- Existing properties in Folders Lane more modest in number and positioning. Four dwellings on plot represents an overdevelopment that does not reflect established pattern of the street.
- Houses appear to be significantly set forward than neighbouring properties, disrupting the existing building line and harm visual consistency of road.
- Concerned about highway safety. Access road would create T junction with access road serving Perlant Close. Raises serious concerns re reduced visibility and safety for drivers and pedestrians.
- Proposal would result in significant loss of outlook from property which is directly opposite. Any pruning / removal of trees, greenery together with 2 storey houses would appear overbearing and reduce outlook.
- A single dwelling more appropriate, would mitigate impact on neighbouring properties in terms of outlook, sense of enclosure.

SUMMARY OF CONSULTEES

MSDC Contaminated Land

The site is in long standing residential use and is surrounded by established housing. The former plant nursery that once occupied part of the land to the west ceased operation in approximately 1987 and that land has also been in residential use for many years.

Nurseries can historically involve limited use of fertilisers and pesticides and, on occasion, small fuel tanks for heaters or machinery, but such activities would generally be confined within the nursery boundary. Given the long period of nearby residential occupation, that the nursery only bordered a short section of the northwest boundary of the application site, the absence of any reports of land quality issues arising from that former use, it is unlikely that the historic nursery would have caused contamination extending into the application site. On this basis, and taking account of the existing

residential context, I do not consider a full contaminated land condition, requiring a desktop study as minimum, is warranted unless staining or unusual ground conditions are identified during groundworks.

A standard discovery strategy condition would therefore be appropriate to ensure that any unexpected contamination is properly managed should it be encountered.

MSDC Ecology

No ecological objection subject to conditions.

MSDC Flood Risk and Drainage

The additional information submitted has addressed the concerns raised in our previous consultation response.

At this stage, the applicant has demonstrated that the site can be drained in principle, subject to detailed design.

Based on the information available, the Flood Risk and Drainage Team has no objection to the proposed development on flood risk and drainage grounds, subject to the following conditions.

MSDC Tree Officer

Comments received 22.06.2026

have reviewed the updated Arboricultural Report for the drainage proposal and do not object to this. My previous comments still stand and are not affected by this change.

Comments received 09.03.2026

I have had another look at this proposal and have some concerns for the future pressure this development may put on the oaks at the front of the proposal. I was not aware that the back gardens were at the front of the development when I first reviewed the AIA and related documents.

These trees have the potential to create shading on the properties which may add the pressure to have these pruned regularly. I note that they are protected by TPO, so we have some control over them, but continuous pruning would be of detriment to the long-term health of these trees. This would be contrary to DP37 of the Mid Sussex District Plan 2014-2031.

Therefore, I object to the proposal.

MSDC Street Naming

Please add street naming and numbering informative.

Southern Water

Yes To Capacity (FOUL)

There is currently adequate capacity in the local foul sewerage network to accommodate the developments foul flow at manhole reference TQ32187002.

Yes To Capacity (SURFACE WATER)

There is currently adequate capacity in the local surface water network to accommodate the developments surface water flow at manhole reference TQ32188151 (via indirect connection)

In order to protect public apparatus, Southern Water requests that if consent is granted, the following pre commencement condition is attached to the planning permission; The developer must advise the local authority (in consultation with Southern Water) of the landscaping proposals in proximity of public apparatus in order to protect it in accordance with Southern Water's guidance, prior to the commencement of the development.

WSCC Highways

No objection subject to condition.

NaturesSpace Partnership

The proposed development is not considered to be relevant to the District Licensing Scheme in this case and we consider there would be no likely impact on great crested newts or their habitats. I therefore have no comments to make at this time.

BURGESS HILL TOWN COUNCIL OBSERVATIONS

The Committee of the 22nd June had a similar view to when this application was previously considered on 16th February and 20th April and would Recommend Approval, subject to appropriate landscaping to continue to protect the residential amenity of nearby properties, particularly in relation to the conifers and hedges.

INTRODUCTION

This application seeks planning permission for the demolition of the existing building and development of 4 dwellings, with associated access and landscaping.

RELEVANT PLANNING HISTORY

BH/092/95 - Change of use from dwelling house (C3) to residential care home for physically handicapped young people (C2). Alterations to garage to form ancillary rooms. Permission granted 30.06.1995.

08/03457/FUL - Single storey extension, internal alterations and associated external works. - Permission granted 15.12.2008.

SITE AND SURROUNDINGS

The application site lies on the northern side of Folders Lane in Burgess Hill and is comprised of a single storey building, well set back from the road, with large, tarmacked parking area to the front and garden and enclosed play area to rear.

The building is currently occupied by Rainbow Tree Nursery (a nursery school for 2 to 5 year olds) although this use is unauthorised as planning permission has not been obtained. The lawful planning use of the building is therefore considered to be a residential care home (class C2 use) as conditioned by planning permission BH/092/95. The property, known as Finches, was previously a NHS respite care facility.

The front boundary of the site is lined with established trees and vegetation, including a preserved Oak tree (reference BH/01/TPO/02). The western boundary of the site with 73 Folders Lane is also lined with established vegetation whilst high Conifer hedging lines the rear northern boundary of the site. The eastern boundary of the site is comprised of 1.8 metre high close boarded fencing with a section of Conifer hedging adjoining no.'s 48 and 50 Wheelwright Lane.

The site is enclosed by residential properties on all sides, with houses on Wheelwright Lane backing onto the northern and eastern boundaries of the site. Detached houses lie opposite on Folders Lane together with the vehicular access serving houses at Perlant Place.

In terms of planning policy, the site lies within the built up area of Burgess Hill and a grade red Great Crested Newt impact risk zone. The site lies within an Area of Townscape Value (ATV) as designated by the Burgess Hill Neighbourhood Plan.

APPLICATION DETAILS

Plans show that the existing single storey building will be demolished, with 4 no. two storey 4 bed houses erected on the plot.

2 detached houses are proposed to the rear northern half of the site, with a pair of semi-detached houses proposed to the front southern half of the site. The semi-detached houses are orientated to face northwards, with rear gardens located to the south, backing onto Folders Lane.

The houses will be served by the existing vehicular access located on the western side of the site which runs along the boundary with no. 73 Folders Lane. The access drive will cross the centre of the site, providing access to houses on the eastern side of the site. Each house will be served by an attached

single garage set back to the side and one additional parking space. 4 visitor parking spaces are also proposed.

The proposed houses are relatively conventional in form with gable pitched roofs. The attached garages are shown to have first floor accommodation above with asymmetric gable roofs, with lower eaves height and eaves dormers to the principal elevation. Plans indicate that the houses will measure approximately 10.45 metres long by 9.2 metres wide, including garage, and 8.4 metres high. The pair of semi-detached houses are shown to measure approximately 18.1 metres wide. The houses are shown to have a contemporary appearance, with facing brickwork proposed with timber cladding above and a slate tiled roof. Solar panels are proposed to the southern roof slopes.

Plans show that existing hedging on the perimeter of the site is proposed to be retained, with additional hedge planting proposed to the boundaries of the site.

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 Burgess Hill 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 hierarchy

DP17 - Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC)

DP21 - transport

DP25 - community facilities and local services

DP26 - character and design

DP27 - dwelling space standards
DP37 - trees, woodland and hedgerows
DP38 - biodiversity
DP39 - sustainable design and construction
DP41 - flood risk and drainage
DP42 - water infrastructure and the water environment

Site Allocations DPD

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

There are no policies deemed relevant.

Burgess Hill Neighbourhood Plan

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

Relevant policies:

S3 - protect and enhance existing community and medical facilities
S4 - parking standards for new developments
H3 - protect Areas of Townscape Value

Other Material Considerations

Mid Sussex District Plan 2021 - 2039 - Submission Draft (Regulation 19)

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and hearings were concluded on the 19th March 2026. The District Plan remains at Examination until the Inspector has published his report, until that time only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS2 - sustainable design and construction
DPS4 - flood risk and drainage
DPS6 - health and wellbeing
DPN1 - biodiversity, geodiversity and nature recovery
DPN2 - biodiversity net gain
DPN4 - trees, woodland and hedgerows
DPC6 - Ashdown Forest SPA and SAC
DPB1 - character and design
DPT1 - placemaking and connectivity
DPT3 - active and sustainable travel
DPT4 - parking and electric vehicle infrastructure
DPI6 - community and cultural facilities and local services
DPI7 - water and wastewater infrastructure

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.

Chapter 11 of the NPPF deals with making effective use of land and paragraph 125 c) sets out that decisions should;

'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals should be approved unless substantial harm would be caused...'

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.

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 of development;
- Design and impact on the character and appearance of the area;
- Highways impact and parking provision;
- Impact on residential amenity;

- Standard of accommodation;
- Ecology;
- Impact on Trees;
- Flood Risk and Drainage;
- Sustainability;
- Ashdown Forest;
- Biodiversity Net Gain;
- Planning Balance and Conclusion.

Principle of development

The proposed development would result in the loss of a residential care facility. As such, policy DP25 of the District Plan is deemed relevant. This states in part that:

'Where proposals involve the loss of a community facility, (including those facilities where the loss would reduce the community's ability to meet its day-to-day needs locally) evidence will need to be provided that demonstrates:

- that the use is no longer viable; or*
- that there is an existing duplicate facility in the locality which can accommodate the impact of the loss of the facility; or*
- that a replacement facility will be provided in the locality.'*

A similar stance is followed under Neighbourhood Plan policy S3, which states in part that *'proposals involving the loss of community facilities for which there continues to be an established need will be resisted unless adequate alternative provision is or will be made available in a location supported by the local community within an appropriate and agreed timescale.*

The loss of the former NHS building is addressed on page 14 of the Planning Statement that accompanies the application. This sets out that the NHS facility had been redundant for a number of years prior to its disposal and that the facility was last in use in 2021. The Statement elaborates that "in accordance with established NHS estate disposal procedures, the building was circulated internally across NHS departments to establish whether there was any continuing or alternative service requirement. This process confirmed that the use was no longer required or viable, and the Site was formally declared surplus before being released to the open market. The former specialist childcare-related NHS service was not relocated elsewhere, reflecting the absence of an ongoing operational need for the facility in this locality."

The Statement also advises that "parts of the existing building are in a state of significant structural repair, with sections of the roof and ceiling exhibiting progressive failure. As a result, the building presents an ongoing safety risk and will necessitate demolition in the near future irrespective of the proposed development." Whilst these comments are noted, no structural reports have been submitted with the application to substantiate such claims and in view of the building currently being used as a children's nursery, it is assumed that the overall building is in relatively good repair.

Notwithstanding this, the care facility was sold at auction in 2025 on the instructions of the NHS Trust. As such, the local planning authority raises no objection to the loss of the community facility.

As the application site lies within the built up area boundary of Burgess Hill, the principle of windfall housing development is deemed acceptable under policy DP6 of the District Plan, which states in part that:

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

Burgess Hill is classed as a category 1 settlement in the settlement hierarchy listed under policy DP6: *'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.'

In addition, as the site is previously developed, paragraph 125 c) is relevant, stating that planning decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.'

In view of the above, the principle of development is supported, subject to the development being of an appropriate design, nature and scale, such that it does not cause harm to the appearance and character of the area or local amenities. Such matters shall be addressed below.

Design and impact on character of the area

District Plan policy DP26 reflects this stance and requires all proposals to be well designed to reflect the distinctive character of the towns and villages. Proposals should be of high quality and design and layout, including appropriate landscaping while addressing the character and scale of the surrounding buildings and landscape. The policy also requires proposals to protect trees and gardens that contribute to the character of the area.

The site lies within an Area of Townscape Value as designated by the Burgess Hill Neighbourhood Plan. Policy H3 of the Neighbourhood Plan is therefore relevant, stating that:

'Proposals for development and redevelopment within Areas of Townscape Value will require special attention to be paid to preserving and enhancing the existing character of the area in terms of spaciousness, building heights, building size and site coverage, building lines, boundary treatments, trees and landscaping.'

Paragraph 135 of the NPPF states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and should be sympathetic to local character and the surrounding built environment and landscaping setting, establishing or maintaining a strong sense of place, amongst other criteria.

In addition to the above, the Council's Design Guide SPD is a material planning consideration with design principles DG38 and DG39 deemed relevant to this application.

Principle DG38 concerns designing buildings with architectural integrity and a sense of place and advises that *'good architecture involves the successful co-ordination of proportions, materials, colour and detail. Buildings should therefore be holistically designed with each part in harmony with its whole while appropriately responding to both its context and modern living requirements.'*

Principle DG39 concerns delivering appropriately scale buildings and advises that the scale of new buildings should relate to their context, rural or urban.

Folders Lane is characterised by large detached houses in spacious plots, with the houses well set back from the road with generous sized gardens to the front. Whilst there have been several new housing developments recently constructed in Folders Lane, the developments are sited on the southern side of the road and consist of backland development to the rear of existing properties. This has allowed Folders Lane to retain a relatively spacious and verdant appearance.

The proposed development would involve the demolition of the existing single storey building and its replacement with 4 no. two storey houses with attached garages.

The demolition of the existing building is not deemed contentious as the building is simple in form and design and is not considered to be of any significant architectural merit. The proposed dwellinghouses are also deemed acceptable in terms of design, form and scale, although the housing is perhaps more reflective of housing on the surrounding Kings Way estate to the north than the larger detached houses on Folders Lane.

However, the proposal is considered to represent a significant intensification of the site, with the proposed subdivision of the site to create 4 smaller plots with associated access and parking. The proposed plot sizes are significantly smaller than existing properties on Folders Lane and are more commensurate with surrounding properties on the housing estate to the north and east.

The southern pair of semi-detached houses would be located significantly forward within the site than the existing low-rise building. The proposed site plan indicates that the houses would be sited approximately 8.3 metres forward of the front wall of the existing building and 14.6 metres from the front boundary of the site in comparison to the existing building that lies approximately 23 metres from the front boundary. The semi-detached houses would also extend forward of the front building line of dwellings to the west. Given the two storey nature of the houses, the proposed dwellings would appear more visually imposing within the street scene than the existing single storey building.

To the east, houses on Wheelwright Lane project further to the south and in closer proximity to Folders Lane, however these houses are orientated to face eastwards onto Wheelwright Lane and are not accessible from Folders Lane, thereby allowing established trees and vegetation to screen the houses from Folders Lane.

The southern pair of semi-detached houses are also orientated to face northwards within the site, so that the rear elevations of the houses and back gardens front onto Folders Lane. This aspect of the proposal is out of keeping with the street scene whereby dwellinghouses are orientated to face the road. The rear garden to the house at plot 1 would adjoin the access drive serving the properties and as such is likely to be enclosed by a 1.8 metre high fence to provide a degree of privacy to occupants. The boundary treatment would be visible from Folders Lane and is not considered to represent an attractive entrance to the development. In addition, the rear southern elevations of the houses are shown to have smaller windows at first floor level which create a less animated appearance to the houses than the front elevations. The orientation of the properties conflicts with policy DP26 of the District Plan and principle DG40 of the Design Guide which encourage that proposals contribute positively to, and clearly define, 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.

In view of the above, the proposed development is considered to have a detrimental impact upon the appearance and character of Folders Lane, reducing the spacious nature of the area by subdividing the site into 4 smaller plots and introducing built form forward of the established building line of dwellings to the west of the site. The orientation of the southern pair of houses is also considered to detract from the street scene, with the houses and gardens proposed to back onto Folders Lane, detaching the development from the street scene and creating an enclosed appearance in views from the road.

The proposal is therefore considered to conflict with policy DP26 of the District Plan and policy H3 of the Neighbourhood Plan.

Highways impact and parking provision

Policy DP21 of the District Plan relates to Transport and requires development proposals to be sustainably located to minimise the need for travel and that schemes protect the safety of road users and pedestrians, amongst other criteria. In addition, development proposals should provide *'adequate car parking for the 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.'*

Policy S4 of the Neighbourhood Plan relates to parking standards for new developments and states in part that *'new housing developments must comply with the new parking standards for Burgess Hill contained in appendix D of the Neighbourhood Plan.... Design and layout of off site parking areas, on street parking areas, garage/parking blocks will be designed to allow ease of access from driveways and accessibility to parking areas without causing obstruction.'*

The Neighbourhood Plan recommends that a 4 bed house has 2 designated parking space and 1 non-designated space per 2 dwellings. West Sussex County Council guidance recommends that a 4 bed dwelling in this location has 2.2 parking spaces.

The existing vehicular access serving the property is proposed to remain, and will cross the site at a central point to provide access to properties located on the eastern side of the site.

Plans show that each house will have 2 parking spaces comprised of 1 garage space and 1 driveway space, plus 4 visitor spaces for the development. The parking layout of the development is considered unusual, particular with regards to the parking provision for the dwellinghouse at plot 1, which lies parallel to the access drive serving the properties. To park forward at the property would necessitate a number of manoeuvres.

A Transport Report has been provided with the application to provide an overview in respect of parking arrangements, access, trip generation and impacts upon the surrounding transport networks.

The Local Highways Authority (LHA) at West Sussex County Council has been consulted on the proposal and has advised that the proposal would be likely to result in a less intensive use of the site in respect of traffic movements than the current lawful use as a care facility. As such, the proposal would not be anticipated to cause a highways safety concern.

The proposed parking arrangements would appear to conform with WSCC Parking Standards for a development of this size and location, with the parking spaces appearing suitably sized.

They note that on-site turning would be achievable for domestic vehicles although some delivery vehicles would have to perform a multiple point manoeuvre, however, this would not be anticipated to cause a highway safety concern. A fire tender would be able to gain access to the site but would be required to reverse out onto Folders Lane, however this is not considered to cause a severe detrimental effect on the network. The site lies within a sustainable location within Burgess Hill, within walking and cycle distance of local services and amenities and alternative modes of public transport.

In view of highways comments, the proposal is deemed acceptable from a highways perspective and would not have an unacceptable impact on highway safety or result in severe cumulative impacts on the operation of the highway network.

The proposal therefore accords with policy DP21 of the District Plan and policy S4 of the Neighbourhood Plan.

Impact on residential amenity

Policy DP26 of the District Plan refers to amenity and states that development proposals should *'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'*.

Concerns have been raised by local residents living opposite the site on Folders Lane that the proposal would have appear imposing and overbearing, resulting in a significant loss of outlook.

Whilst these concerns are noted, as the proposed houses would be sited over 50 metres from houses to the south, with intervening roads and established trees and vegetation, it is not considered that the proposal would cause significant harm in terms of appearing overbearing or impacting outlook.

Whilst the proposed development would represent a significant increase in the scale of buildings on the site, it is not considered that the proposal would cause significant harm to neighbouring properties in terms of impacting light levels, outlook, or privacy. No side windows are proposed that would result in overlooking onto adjoining properties at 73 Folders Lane and properties in Wheelwright Lane. It is considered that the dwellings would be sited a sufficient distance from neighbouring properties to avoid appearing overbearing or reducing outlook and light levels.

The proposal therefore accords with policy DP26 of the District Plan.

Standard of accommodation

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 requires development proposals to meet these standards.

The proposed houses would each have 4 bedrooms comprised of 1 single bedroom and 3 double bedrooms.

Technical housing standards recommend that a 4 bed dwelling for 7 persons set over 2 floors has a minimum gross internal floor area of 115 square metres, with 3 metres of built in storage.

Proposed plans indicate that the gross internal floor area of the houses would meet the minimum floor area required and therefore the proposal complies with policy DP27 of the District Plan.

Ecology

NPPF paragraph 187 highlights that the planning system should contribute to and enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains where possible.

This stance is reflected under policy DP38 of the District Plan which states that biodiversity will be protected and enhanced by ensuring that development proposals contribute and take opportunities to improve, enhance, manage and restore biodiversity and green infrastructure, so that there is a net gain in biodiversity, whilst protecting existing biodiversity so that there is no net loss.

Representations received have raised concerns that bats and badgers are present in the locality and could be adversely affected by the proposal. The site also lies within a grade red great crested newt impact risk zone indicating a high risk of great crested newts on site.

A Preliminary Ecological Appraisal (PEA) and Bat Survey have been submitted with the application as well as a BNG Assessment and Statutory Metric. The PEA concludes that the priority habitat hedgerows are present on site and that the site has suitability to support roosting and foraging bats and nesting birds. The Bat Survey confirms the building at no. 75 as supporting an active day roost for common pipistrelle bats and as such no works should be undertaken which could damage or alter the roosts until a licence has been obtained from Natural England. The report recommends that the provision of 2 bat boxes on retained trees should be suitable compensation for the loss of the existing roost.

The Council's Ecologist has reviewed the submitted documents and advised that there is sufficient ecological information available for the determination of the application. The proposal is predicted to deliver 10.34% biodiversity net gain and therefore no objections are raised to the proposal on ecological matters, excluding matters concerning great crested newts which fall to be considered by NatureSpace Partnership.

NatureSpace Partnership has advised that there would be no likely impact on great crested newts or their habitats.

In view of the above, the proposed development is deemed acceptable from an ecological perspective, thereby according with policy DP38 of the District Plan.

Impact on Trees

Policy DP37 of the District Plan refers to trees and states in part that: *'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.'*

Policy H3 of the Neighbourhood Plan concerns protecting Areas of Townscape Value and requires special attention to preserving and enhancing the existing character of the area in terms of trees and landscaping, amongst other matters. District Plan policy DP26 also highlights the need to protect trees that contribute to the character of the area.

The front southern boundary of the site that adjoins Folders Lane is lined with established trees and vegetation including a preserved Oak tree (BH/01/TPO/02). Another preserved Oak tree (BH/04/TPO/78) adjoins the site to east. The trees and vegetation are considered to make a positive contribution to the verdant character of the area, particularly as one transitions out of Burgess Hill towards the countryside.

An Arboricultural Implications Report has been submitted with the application. This details that 6 individual trees are to be removed to accommodate the proposal, including a category B1 English Oak tree (T12) located to the rear of the site. A group of trees (G3) and one hedge (H1) are also proposed to be removed. A Field Maple (T4) is also proposed to be pruned to facilitate the development.

The Council's Tree Officer has commented on the proposal and advised that the whilst the loss of the category B Oak tree is regrettable, the tree is not worthy of a Tree Preservation Order (TPO). The rest of the trees to be felled are category C or U trees and therefore not a constraint to the development. In addition, retained trees can be adequately protected by the measures described in the submitted tree report and as shown on the Tree Protection Plan.

However, in updated comments submitted on the 09.03.2026, the Tree Officer raises concerns regarding future pressure being placed upon the trees to be pruned due to the proximity of the pair of semi-detached houses in relation to the trees and the fact that the houses have been orientated so that the rear elevations and main living rooms face due south. The Council's Tree Officer advises that *"these trees have the potential to create shading on the properties which may add the pressure to have these pruned regularly. I note that they are protected by TPO, so we have some control over them, but continuous pruning would be of detriment to the long-term health of these trees. This would be contrary to DP37 of the Mid Sussex District Plan 2014-2031."*

Proposed plans indicate that the canopy of the preserved Oak tree (T2) would fall approximately 7.3 metres due south of the rear walls of the houses, whilst the canopy of the Wild Cherry tree (T8) is shown to fall approximately 5.5 metres from the southeast corner of the dwellinghouse at plot 2.

The Arboricultural Implications Report acknowledges that there may be potential shading from the trees upon the living rooms and advises that the proposed bi-fold doors to the rooms will allow added light to access the interior. It also advises that it would be possible to reduce some of the low-level shading by removing some of the on-site elements within group G1, thereby reducing the density of foliage and allowing increased light to filter through to the proposed gardens. The report adds that, subject to consent, some sympathetic pruning of the larger specimens may help to allow increased light through to the proposed dwellings and garden without detracting from the character of the local area.

As previously noted, the trees and established vegetation are considered to make an important contribution to the character of Folders Lane which is an Area of Townscape Value.

The tree report acknowledges that low level pruning is likely to be carried out, which the local planning authority considers would affect the appearance of the site within the street scene, opening up views of the houses from the road and reducing its verdant character and positive contribution to the street scene. The Council would only have control in respect of works carried out to the preserved Oak trees and even then, a TPO cannot prevent unauthorised works from being carried out. Therefore, the local planning authority remains of the view that the proposed development, by reason of layout and orientation would have a detrimental impact upon the long term health of the trees and established vegetation contrary to policies DP26 and DP37 of the District Plan and policy H3 of the Neighbourhood Plan.

Flood Risk and Drainage

District Plan policy DP41 relates to flood risk and drainage and states in part that:

'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.'

The Drainage Strategy for the development has been amended during the course of the application. Due to the clay soil which precludes the use of infiltration measures and no watercourse within the site, the

strategy proposes to route surface water to the existing Southern Water surface water sewer in Wheelwright Lane. Plans show that an unlined subbase storage area would be installed underneath the part of the access and parking areas serving the site, with surface water routed through the property at no. 54 Wheelwright Lane to the manhole in Wheelwright Lane. The landowner at no. 54 Wheelwright Lane has confirmed their agreement in principle to the new connection route crossing their land and Southern Water has also provided their approval in principle to the new connection.

Foul water drainage is proposed to be connected to the existing foul water sewer that crosses the site.

Southern Water has been consulted on the proposal and has confirmed that there is current capacity in both the local foul sewerage network and local surface water network to accommodate the proposed development.

The Council's Flood Risk and Drainage Team has also commented on the amended drainage strategy and advised that the applicant has demonstrated that the site can be drained in principle, subject to detailed design. As such, and subject to condition, no objection is raised to the proposal on flood risk and drainage grounds. The proposed development is therefore acceptable from a drainage perspective, thereby according with policy DP41 of the District Plan.

Sustainability

District Plan policy DP39 relates to sustainable design and construction and encourages that development proposals seek to improve sustainability and minimise energy use and use renewable sources of energy.

Principle DG37 of the Council's Design Guide highlights the importance of adopting a sustainable approach to building design that minimises environmental impact and encourages incorporating renewable energy sources such as photovoltaics, solar thermal water heating, ground and air source heat pumps.

A Sustainability Statement has been provided with the application, setting out construction methods and materials, energy and emissions as well as energy efficiency, renewable energy technologies and water consumption.

The report concludes that the development would include an improved insulation design, reduced thermal bridging and enhanced air tightness performance which would deliver reductions in CO2 emissions over and above Building Regulations standards.

The proposed development would also include renewable technologies such as solar PV panels and air source heat pumps and identify water efficiency opportunities to restrict consumption to less than 110 litres/person/day.

In view of the above, the local planning authority is satisfied that sufficient measures would be taken to improve the sustainability of the development. The proposal therefore accords with policy DP39 of the District Plan.

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.

Other matters

Water infrastructure

Policy DP42 of the District Plan relates to water infrastructure and states that development proposals that increase off site service infrastructure will be permitted where the applicant can demonstrate that sufficient capacity exists for foul and surface water provision and that there is adequate water supply to serve the development.

South East Water are the water supply company for this area.

No correspondence has been provided by the applicant to confirm that there is adequate water supply to serve the development, however this matter is not considered to warrant a reason for refusal.

Boundary treatments, security and lighting

Several representations received have raised concerns regarding the boundary treatments and whether existing Conifer hedging is to be retained or reduced in height. Whilst existing plans show that hedging will be retained, with further sections of hedging installed around the perimeter of the site, such matters would normally be considered at the discharge of conditions stage. Issues regarding the maintenance of the hedging are considered a separate matter to planning.

Another representation has commented that the proposal should achieve Secured by Design certification. Secured by Design is a police security initiative which provides security guidance with the aim to help people live safely and reduce crime. There is no requirement for planning applications to abide with such guidance.

Comments have also been received that a lighting scheme has not been provided. This is not a planning validation requirement and would not normally be expected for residential development within a settlement boundary. However, were planning permission granted, such matters would be dealt with via condition to ensure that wildlife sensitive lighting is used.

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)'.

The applicant has provided sufficient information details to show compliance with the requirements to achieve biodiversity net gain, and this matter would be addressed by the statutory planning condition to ensure that prior to commencement of the development a biodiversity gain plan shall be submitted to the local planning authority for approval.

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 Burgess Hill Neighbourhood Plan.

The requirement to determine applications "in accordance with the plan" does not mean application must comply with each and every policy, but is to be approached on the basis of the plan taken as a whole.

Weighing in favour of the scheme, the proposed development would utilise a brownfield site, providing 4 no. residential units in a sustainable location, at a time where there is a general need for Local Authorities to boost significantly the supply of housing and this should be given positive weight. The proposal would also result in the employment of contractors for the duration of the build with the increased population likely to spend in the local community, albeit such benefits would be limited given the modest nature of the proposal.

The proposed development is considered to have a neutral impact upon neighbouring amenities, highways, ecology and sustainability. The proposed houses would provide a satisfactory standard of accommodation and should not have a significant effect upon the Ashdown Forest SPA and SAC.

Weighing against the scheme are the concerns that the proposed development by reason of its scale, layout and orientation would have a detrimental impact upon the spacious and verdant character of Folders Lane which is designated as an Area of Townscape Value. The proposed development would also be likely to place undue future pressure to prune the established trees that make a positive contribution to the verdant character of the street scene, thereby having a detrimental impact upon the long term health of the trees. The proposed development is therefore considered to conflict with policies DP26 and DP37 of the Mid Sussex District Plan and policy H3 of the Burgess Hill Neighbourhood Plan.

In weighing up these issues, when taken together, it is considered that the adverse impacts of the development would cause substantial harm, significantly and demonstrably outweighing the benefits of the proposal.

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

Decision: Refusal

Case Officer: Deborah Lynn