

Delegated Decision

Sign off Sheet

Ref. No:	DM/24/2999	Case Officer:	Anna Tidey
Application Type:	Full Application		
Proposal:	Proposed demolition of existing garages and erection of a pair of 3 bedroom semi-detached houses with on plot parking for two vehicles together with a replacement detached double garage.		
Site:	1A Lodgelands, Ardingly, Haywards Heath, West Sussex, RH17 6SD, , ,		
Validation Date	2 Jan 2025	Overall Expiry Date:	12 Mar 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	18 Dec 2025
Target Date:	27 Feb 2025	Recommending Officer Signature:	Anna Tidey

Date Legal Agreement Completed: (if applicable)	PL13: 8343 16 Dec 2025	No of Representations:	3
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Signed and Agreed By:	Stephen Ashdown	Date:	19 Dec 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/24/2999

**1A Lodgelands, Ardingly, Haywards Heath, West Sussex, RH17 6SD, ,
Proposed demolition of existing garages and erection of a pair of 3 bedroom semi-detached houses with on plot parking for two vehicles together with a replacement detached double garage.**

Mr J Fielden

SUMMARY OF REPRESENTATIONS

Three representations received which contain the following points:

- Previously had no objection to the proposed bungalow.
- This is overbearing.
- Concern that access to the garages is on land not demised to the applicant, and understood to be owned by Clarion.
- Many of the residents of Lodgelands and delivery drivers use the area by the current garages for turning.
- Lodgelands is a no through road and access is constrained.
- Concerned that access rights of the neighbour are maintained.
- Object to the proposal.
- There have been several applications refused by MSDC and on Appeal for this site.
- A chalet bungalow was finally approved in 2022.
- This new proposed development has much in common to the one which was turned down in 2015.
- The proposed development for two houses will have an even larger footprint than the chalet. Therefore this will have a greater impact on the immediate environment and local ecosystems.
- The elevations are higher than the chalet.
- The upper windows of the proposed development will look out over several properties including the garden and straight into the kitchen of 59, College Road, affecting privacy.
- One of the stipulations for the larger development was screening to lower the visual impact. The garden of this new property is too small to offer this possibility
- This imposing, proposed development, will be directly to the south of 59, College Road and has the potential for taking light from several gardens.
- Concern regarding the impact to an Ash tree with a TPO.
- Impact upon the AONB.
- concern regarding the Japanese Knotweed that covered the area around the garage where one of these new houses is proposed. Request evidence of its eradication.
- Two houses on this site must be seen as over development of this part of the village.
- The Chalet Bungalow was a much better option for this site.
- The latest plans seem to be a significant deviation on the previously approved plans and, therefore, raise concerns.
- The proposal is for 2x three-bedroom semi-detached dwellings, with a ground floor and first floor as well as an attic space.
- Property Design - The two storey buildings are taller over a wider footprint than the bungalow proposal. The plans do not show the actual height of the new proposal and how this compares to the approved bungalow.
- This development is directly south, meaning it will overlook and block natural light into the gardens of house numbers 61 and 59 (and potentially number 57) College Road.
- Privacy - The new proposal will have both master bedrooms overlooking the gardens as well as the kitchens and bedrooms of house numbers 61, 59 and 57 College Road.
- Due to the likely height and additional windows, the garden footprint does not allow for adequate screening.

- Building Clause - There is an understanding that when the land was put up for redevelopment, there was a clause that dictated that only one home could be built.
- AONB - The new design does not offer the same visual aesthetic as the originally proposed bungalow, impacting this part of the village and the AONB.
- Presence of Japanese Knotweed - What reassurances and evidence has been given by the developer that this is under control?
- Over development - This part of the village has already seen significant development, with the field opposite (Stangrove Field) having the provision of more than 30 new homes with garages in Monks Meadow. This proposed new development does not seem to address the need to maintain the village's AONB status and will have a detrimental effect on the area.
- This development directly affects the new owners of 61 College Road, who have just exchanged.

SUMMARY OF CONSULTEES

Flood Risk and Drainage:

Having reviewed the additional information provided, we have no objection on flood risk or drainage grounds subject to a Condition to require the submission of the proposed foul and surface water drainage and means of disposal to be submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Tree Officer:

I have reviewed the tree report for this proposal and find that it lacks some detail.

Firstly, the tree in question is protected by TPO (TP/14/0019), which is not mentioned in the report. Further, the proposal will be constructed within the RPA of the protected, category B tree and I have very little detail of the percentage of Root Protection Area (RPA) will be compromised. I am not convinced that this development can be constructed without causing damage to the protected tree.

I have reviewed previous applications and reports on this tree and find that this tree would not be a constraint to development, due to its condition and disease (Ash Dieback). Felling this tree would be a better option, long term, for safety reasons as it is in a high target area. This should be replaced with an oak or field maple, provided that there is adequate space on the site for it to develop.

Should this application be approved, a replacement tree would be required. Details of this would need to be agreed and secured prior to felling.

Highways Authority:

The site has a fairly extensive history for development to provide a single residential dwelling. Most recently under DM/22/1334 which sought permission for a 3 bedroom detached chalet bungalow and replacement garage. No highways safety concerns were raised and consent was granted by the Local Planning Authority. The proposal now seeks consent for 2 x 3 bed dwellings each with two parking spaces and a garage.

Access -The application site is accessed via Lodgelands which is a private road. These comments should therefore be considered advice.

Lodgelands is a definitive public right of way FP19Ar. Lodgelands adjoins the wider adopted highway network at a junction with College Road, which is a 'C' classified semi-rural road subject to a 30 mph speed limit at this point.

The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There has been a recorded injury accident within proximity of the existing junction of Lodgelands and College Road. However, this was not due to any defect with the junction or with the highway network at this point.

The new dwellings will be served via the existing point of access onto Lodgelands which will need to be widened to accommodate both properties accesses. Lodgelands is a private road, which is lightly trafficked and serves 8 other dwellings. There are no proposed changes to the access with the Publicly Maintained highway onto College Road.

Vehicle & Cycle Parking- It is anticipated that each dwelling of this size in this location would attract the demand for 3 vehicular car parking spaces. Therefore 6 spaces will be required for both. These dwellings have been provided with a hardstanding area large enough to park 2 vehicles and a 3m x 6 m garage provision. While suitably sized garages only count as 0.5 of a parking space, the Local Highways Authority is satisfied that the proposed parking provision will meet the needs of the dwelling, without any unacceptable safety concerns to the wider adopted highway network. Cycle parking can be accommodated within the garage provision.

Sustainability -The site is within a reasonably sustainable location with a footway link into Ardingly Village. No concern would therefore be raised the additional number of vehicular movements being generated by the proposed new dwellings.

It is appreciated that overall, this proposal would be introducing vehicle movements associated with two additional dwellings. However, on balance, it would not be considered that this small intensification of use would be of detriment to the highway user. The LHA considers that this proposal would only be a single additional dwelling over the extant permission for a single dwelling.

Conclusion -The LHA does not consider that the proposal would have and 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.

If the LPA are minded to grant planning consent planning conditions are advised to require car and cycle parking to be constructed prior to occupation and for plans and details to show the site set up during construction to be submitted for LPA approval ahead of the commencement of the site development.

Ecologist:

We have reviewed the Ecological Scoping Assessment (JWK Wildlife Surveys, February 2025), relating to the likely impacts of development on designated sites, protected and Priority species & habitats and identification of appropriate mitigation measures.

We have also reviewed the information submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required. This includes the Statutory Biodiversity Metric (December 2024), Biodiversity Net Gain Assessment (JWK Wildlife Surveys, December 2024), habitat condition assessment sheets, Baseline Habitat Plan Fig 1 (JWK Wildlife Surveys, December 2024) and Post-Intervention Habitat Plan Fig 2 (JWK Wildlife Surveys, December 2024).

We note from the Ecological Scoping Assessment (JWK Wildlife Surveys, February 2025) that none of the buildings or trees on site have potential roost features for bats and we therefore agree that no further surveys for bats are required.

Recommend approval subject to conditions that all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Scoping Assessment, that prior to any works above slab level, a Biodiversity Enhancement Strategy for protected and Priority or threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the local planning authority and that prior to occupation a wildlife sensitive lighting design scheme for biodiversity based on Guidance Note: 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority, and the BNG condition is applied.

Naturespace:

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.

Southern Water:

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this planning application receive planning approval, an informative is attached to the consent to require that construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.

Housing Standards Officer:

Advice provided with regards to single and double bedroom room sizes, with reference to the Technical Housing Standards, Means of fire escape, The Housing Health and Safety Rating system (HHSRS), Heating, Ventilation and Lighting.

Natural England:

No objection subject to securing appropriate mitigation.

PARISH COUNCIL OBSERVATIONS

Ardingly Parish Council: No objection.

INTRODUCTION

This application seeks planning permission for the demolition of two existing garages and for the construction of a pair of semi-detached houses with a replacement double garage on a vacant plot of land sited to the rear of Nos 63, 65 and 67 College Road and to the west of a block of 5 garages located north west of No 1 Lodgelands, and accessed off Lodgelands in Ardingly. The site is referred to as No 1A Lodgelands.

There have been a number of planning applications, two of which have been taken to Appeal, to redevelop the site, and these are detailed below.

The most recent application under DM/22/1334 for the erection of a 3 bed chalet bungalow on the site remained extant at the time of the submission of the current application, but has now lapsed. Works have not commenced on the site to implement that approval, although the pre commencement planning conditions were addressed and discharged under DM/22/2651.

RELEVANT PLANNING HISTORY

DM/22/2651. Discharge of planning condition numbers 2, 4, 5, 6 and 8 relating to planning application DM/22/1334. Amended drawings DC01A and DC02A and letter received on 10.01.2023. Approved March 2023.

DM/22/1334. Proposed residential development of 3 bedroom detached chalet bungalow and replacement garage. Approved July 2022.

DM/21/3112. Removal of detached garage and erection of a two bedroom detached dwelling. Approved December 2021.

DM/18/4704. Removal of existing garage and erection of detached bungalow. Refused January 2019. Appeal Dismissed July 2019.

DM/18/1358. Removal of existing garage and erection of detached bungalow. Refused September 2018. Appeal Dismissed July 2019.

DM/16/4078. Replace existing brick built garage and dilapidated lean-to with a proposed larger timber framed garage. Refused January 2017.

DM/15/2692. Proposed single detached 3 bed dwelling and refurbishment of existing garage and drive. Re-submission to application 14/02712/FUL. Refused September 2015.

14/02714/FUL. Remodelling of existing detached dwelling and provision of 3 bedroom dwelling together with new vehicular access and parking to each dwelling (Description amended 21/11/2014) at 65 College Road. Approved February 2015.

14/02712/FUL. Provision of single detached 3 bed dwelling, refurbishment of existing garage and drive together with slight reduction of Ash tree crown and/or crown lift. (Description amended 21/11/2014). Refused February 2015.

AR/038/84. Outline application: 2-3 bed bungalow and car port. Refused November 1984.

SITE AND SURROUNDINGS

The site extends to an area of 0.109 hectares and benefits from an existing vehicular access from Lodgelands, which is sited off the eastern side of College Road, within the built up area boundary of Ardingly village.

The land has been cleared and is enclosed by security fencing. The site upon which the houses are proposed is fairly level and is overlooked by the immediate houses, which have rear extensions and ground and first floor windows facing over the land.

On the land there are two former disused garage structures, one located directly off the vehicular access point from Lodgelands onto the site, and one at the end of the former garden of No 63 College Road, which shares the vehicular access across the forecourt of the existing adjacent garage block of five garages. The application site excludes this garage block, which is shown to be outside the red site boundary line.

An Ash tree, which is the subject of a Tree Protection Order (TP/14/0019), is growing at the front of the site, adjacent to the existing frontage garage and the garage block. This tree is shown to be within the red boundary line and is illustrated on the submitted plans to be retained on the site.

The submitted site plan clearly shows that the site is an infill plot. It lies within a residential area of the village, with semi detached houses fronting onto College Road to the west, long gardens that lie to the rear of such properties to the north, semi-detached and terraced houses on Lodgelands to the east and an assortment of semi detached and detached houses on Ibis Close and Monks Meadow, on a modern housing development, to the south.

A public right of way passes along Lodgelands to the south of the site. This is a Public Footpath (route ARD/19Ar/1), which runs in a north westerly to south easterly direction.

The site lies within the High Weald National Landscape/Area of Outstanding Natural Beauty (AONB) and within the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

APPLICATION DETAILS

This application seeks planning permission for the construction of a pair of symmetrically designed houses, each containing three bedrooms and a detached double garage on the site. The footprint of the

pair of houses together measures 10.7m deep by 14.5m wide by 10.7m deep, with a front porch projection of 0.8m.

The proposed houses are shown on the proposed elevation plans to be constructed in Freshfield Lane First Quality Stock Bricks, with Wienerberger Alban Sussex Blend Plain tiles. White upvc fascias and black gutters and downpipes are annotated on the detailed elevation plans. A hipped roofed open porch canopy is proposed to serve the front door on the front elevation of each house. White upvc windows and doors are proposed in the front, rear and side elevations of each house to serve the various rooms.

The finished floor levels and ceiling levels of the proposed new houses are indicated on the submitted elevation plans. The proposed elevations show the new houses would be constructed with eaves at approx. 4.8m high and the hipped roofline reaching a maximum of 8.9m in height.

The proposed houses are shown to be positioned approx. 7m from the edge of the carriageway at Lodgelands, a minimum of 1.66m from the close board fences that are located on the rear boundaries of the houses at Nos 63, 65 and 67 College Road and a minimum of approx. 4.5m from the rear wall of the adjacent garage block.

On the ground floor in each house the hallway serves a toilet and a small study and opens into a front lounge. This accesses an open plan kitchen/dining area at the rear of the house. In each house the kitchen has an attached utility room, which is also accessed from an external door located in each of the side elevations.

The submitted plans show the curtilage for the new dwellings to include similar 6m wide by 6m deep (approx.) block paved frontages with twin bin stores sited to the front of each of the dwellings. Both houses would have paved side paths leading to 3m deep paved rear patios extending across the width of the dwellings. The applicant's agent has confirmed that the front areas of block paving will be finished with Marshalls, Grey Brindle blocks and the rear terrace areas of paving will be Grey Indian Sandstone.

Both houses would benefit from 9.2m deep gardens, enclosed at the rear by a new close boarded fence. The eastern house would have a larger garden, extending to the side to accommodate the proposed double garage.

The proposed 6m wide by 5.8m deep garage is located in the north eastern corner of the plot, with access to it across land outside the red site line, which appears not to be in the control of the applicant. The proposed garage is shown to be constructed with solid brick walls, with an eaves height of 2.2m and a tiled hipped roofline reaching 3.9m in height. Up and over doors are shown to access the garage from a level threshold.

To the north of the rear garden space for the proposed houses lies the site boundary which sides onto the rear garden boundary of No 61. This is currently marked by open low fencing, but is illustrated on the submitted site layout plan to be fenced in with a new 28m long section of close boarded fence, which will return a further 7m across the rear garden boundary of No 63 College Road to fully enclose both rear gardens up to the position of the proposed double garage. A new close boarded fence is shown to be provided along the eastern site boundary, returning to the proposed new garage to enclose the side garden of the eastern house.

The application was submitted with an accompanying Planning Statement, Arboricultural Report, Energy Sustainability Statement and Drainage Statement.

During the course of determining the application further supporting information has been received including a BNG statement, a Habitat report, Drainage Statement and Percolation graph, supporting Drainage information and calculations, Flood Mapping Information and an Ecological Scoping Assessment have been requested and these documents are available to view on the planning file.

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 Ardingly 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
- DP5 Planning to Meet Future Housing Need
- DP6 Settlement Hierarchy
- DP16 High Weald Area of Outstanding Natural Beauty
- DP17 Ashdown Forest SPA and SAC
- DP21 Transport
- 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

Site Allocations Development Plan Document

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

There are no policies deemed relevant to this application.

Neighbourhood Plan

Ardingly Neighbourhood Plan - made on 19 March 2015.

Relevant policies:

Policy ARD1: The Presumption in Favour of Sustainable Development

Policy ARD2: A Spatial Plan for the Parish

Policy ARD3: Housing Supply and Site Allocation

Policy ARD5: Housing Design

Policy ARD8: Biodiversity

Other Material Considerations

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

The District Council is reviewing and updating the District Plan. Upon adoption, the new District Plan 2021 - 2039 will replace the current District Plan 2014-2031 and its policies will have full weight. In accordance with the NPPF, Local Planning Authorities may give weight to relevant policies of the emerging plan according to the stage of preparation; the extent to which there are unresolved objections to the relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the NPPF. The draft District Plan 2021-2039 (Regulation 19) is currently at Examination and the stage 1 hearings were concluded on the 31st October 2024. There are unresolved objections to some of the Policies in the draft District Plan and as such, only minimal weight can be given to the Plan and this planning application has been assessed against the policies of the adopted District Plan.

Relevant policies:

DPS2 Sustainable Design and Construction

DPS4 Flood Risk and Drainage

DPN2 Biodiversity Net Gain

DPN4 Trees, Woodland and Hedgerows

DPN8 Light impacts and Dark Skies

DPC4 High Weald AONB

DPB1 Character and Design

DPT4 Parking and EV charging infrastructure

DPT2 Rights of Way and Other Recreational Routes

DPS6 Health and Wellbeing

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.

West Sussex County Council: Guidance on Parking at New Developments (September 2020)

High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024

The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to 'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB'.

High Weald National Landscape - Technical Advice Note: Dark Skies Planning Advice Note - July 2024

National Policy and Legislation

National Planning Policy Framework (NPPF) (December 2024)

The NPPF states that planning should be genuinely plan-led. 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 11(c) of the NPPF is clear that development proposals should be approved without delay where they are in accordance with an up-to-date Development Plan. It states further, paragraph 11(d), that where the policies most important for determining the application are out-of-date, permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (the tilted balance). Footnote 8 of paragraph 11 clarifies that 'out-of-date' includes for applications the provision of housing in situations where the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites.

The Council is currently unable to demonstrate a five year supply of deliverable housing sites. Having regard to this, and in light of footnote 8 of the NPPF, it is considered that the tilted balance, as set in paragraph 11(d) of the NPPF, is engaged and the key test that should be considered in determining this application.

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.

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.

ASSESSMENT

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

- The Principle of Development
- Site History
- Design and Character
- Impact on the High Weald National Landscape/Area of Outstanding Natural Beauty
- Impact on residential amenities
- Highways, access and parking
- Impact upon preserved tree
- Dwelling Space Standards
- Flood Risk and Drainage
- HRA Assessment
- Ecology
- Biodiversity Net Gain

The Principle of Development

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, which states:

'The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made. '

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 to 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 DP6 of the District Plan relates to Settlement Hierarchy and designates Ardingly as a Category 3 Settlement. It states in part:

'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.'

The proposed residential development of two houses on this site within the built up area of Ardingly does meet the criteria of this policy.

Policy ARD1, ARD2 and ARD3 of the Ardingly Neighbourhood Plan are also relevant in the determination of this application. These state:

'Policy ARD 1: The Presumption in Favour of Sustainable Development

Ardingly Parish Council will take a positive approach to its consideration of development proposals. The Parish Council will seek to work with applicants and other stakeholders to encourage the formulation of development proposals that can be approved.'

'Policy ARD 2: A Spatial Plan for the Parish

The Neighbourhood Plan directs future housing, economic and community-related development within the parish to within the revised built-up area boundary shown on the Proposals Map of Ardingly village, to build and bolster its role as a resilient Parish community. Development Proposals located outside the built-up area boundary will be required to demonstrate how they conserve the AONB. In this regard, proposals should seek to address the provisions of the High Weald AONB Management Plan.

Development for essential infrastructure will be supported where it can be demonstrated that there are no alternative sites available and that the benefit outweighs any harm or loss.'

'Policy ARD 3: Housing Supply & Site Allocation

The Neighbourhood Plan provides for the development of at least 37 homes in the period 1 April 2013 to 31 March 2031 through a combination of a site allocation and of windfall sites.

A site at Standgrove Field is allocated for up to 37 homes in the period 2013-2018, of which 30% will be two and three bedroom affordable homes with 50% of the affordable homes being subject to a local lettings policy in perpetuity that ensures their availability for people with a local affordable housing need and a connection with the Parish.

An appropriate and detailed landscaping scheme is to be included as a material part to this allocation to ensure that in time the development is able to blend appropriately into its surroundings

The Neighbourhood Plan will support proposals for windfall development defined as schemes of 6 or fewer dwellings within the built up area boundary, provided: the quantum of dwellings and their site coverage will not be an over development of the plot in relation to neighbouring plot characteristics in respect of built form, massing and building line, a satisfactory road access and off street car parking can be achieved, and the scheme will not result in the loss of valuable trees, hedges or other natural features that form part of the character of the village.

All development proposals must demonstrate how they have taken into account the requirement to contribute to Suitable Alternative Natural Greenspace and a Strategic Access Management and Monitoring Strategy'.

For the same reasons that relate to the identified District Plan policies, it is considered that the identified Neighbourhood Plan policies should be afforded reduced 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.

Site History

It is relevant in the determination of this application to make reference to the site history, which extends back some 10 plus years.

In February 2015 planning permission was approved under 14/02714/FUL for the 'Remodelling of existing detached dwelling and provision of 3 bedroom dwelling together with new vehicular access and parking to each dwelling at 65 College Road'. The result is the semi detached dwellinghouse which is now located on the corner of the access into Lodgelands, known as No 67 College Road.

A subsequent application (under DM/15/2692) was made for the erection of a detached two storey 3 bed dwelling on land at the rear of No 65 College Road. The application was refused as it was considered: 'an inappropriate garden development that will be out of keeping with the character of the area thereby conflicting with paragraphs 53 and 64 of the NPPF, Policies B1 and H3 of the Mid Sussex Local Plan, Policy DP24 of the draft District Plan and Policy 5 of the Neighbourhood Plan'.

Subsequent Appeals followed the refusal of DM/18/4704 and DM/18/1358 for the erection of a detached bungalow on the land at the rear of Nos 65 and 67 College Road, forming part of the current application site. The Planning Inspector found 'the developments would have a somewhat cramped appearance, harming the character and appearance of this part of Lodgelands. The lack of depth to the plot, and the fact that the bungalow's main aspect would face northwards, compounds also the limited rear garden space that would be available and its less than favourable orientation. Together, this indicates a

somewhat contrived form of development, harmful to the street scene'. He also commented that: 'The recent change in character along this stretch of Lodgelands, whereby new residential development has taken place, does not therefore justify either scheme, as the appeals turn on the suitability of the site itself to accommodate such development.'

It is relevant that the site had been expanded to include part of the rear garden of No 63 College Road at the time of the determination of planning application DM/21/3112. The proposed 2 bed bungalow measured 14.4m wide, 9m in depth and had a hipped roof reaching a max of 5.5m in height.

When the application for a chalet bungalow was subsequently proposed under DM/22/1334, on the same area of land, the Case Officer referred to the site as 'a modest size plot'. The proposed 3 bed chalet bungalow measured 14.8m wide, 11.1m deep with an overall roof height of 6.5m, from eaves at 3m. In her assessment of the proposal the Planning Officer stated: 'The proposed dwelling would be similar to the previously approved dwelling in design, form and materials. However, the current proposal would have an increased footprint with an increased ridge height, front dormer and rooflights. The proposed dwelling would be located to the rear of the properties which face onto College Road and would be seen within the context of the properties further along the private road to the east. The dwelling would be well positioned and in proportion with the size of the plot and would be of an appropriate design and form to the character of the area.'

The current application differs from the previous proposals in that two new dwellings are now proposed on the enlarged area of land, which now stands as a vacant plot. It is also material to note that the planning policy position is now also materially different.

Design and Character

Policy DP26 of the District Plan seeks to promote well located and designed development, to protect valued characteristics of the built environment for their historical and visual qualities and support sustainable communities and create accessible environments. Policy DP26 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:

- * is of high quality design and layout and includes appropriate landscaping and greenspace;*
- * contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- * creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- * protects open spaces, trees and gardens that contribute to the character of the area;*
- * protects valued townscapes and the separate identity and character of towns and villages;*
- * 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);*
- * creates a pedestrian-friendly layout that is safe, well connected, legible and accessible;*
- * incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;*
- * positively addresses sustainability considerations in the layout and the building design;*
- * 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;*
- * optimises the potential of the site to accommodate development.'*

Policy ARD5 of the Ardingly Neighbourhood Plan states:

'The Neighbourhood Plan requires all developments, including alterations to existing buildings, to be sympathetic of the character and scale of surrounding buildings and landscape.'

Paragraph 135 of the NPPF refers to the design of new development and states:

'Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

Mid Sussex Design Guide Principle DG38: Design buildings with architectural integrity and a sense of place, states:

'Applicants should establish an architectural approach and identity in the design of building that is borne from the place.

The facade and elevational treatment, roofscape fenestration and materials used in existing buildings within the locality should be a starting point for the consideration of architectural design of new buildings. However, this should not result in pastiche replicas of traditional buildings. Instead a re-interpretation of key aspects of their form should be demonstrated.

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. This includes:

- The elevational treatment and overall façade design;*
- The placement, proportions and design of windows, doors and balconies;*
- A roofscape and form that creates a harmonious composition and minimises the visual impact of downpipes and guttering;*
- The appropriate incorporation of dormer windows and chimneys;*
- An appropriate palette of good quality materials that are preferably locally sourced'.*

The proposed semi detached pair of houses would differ in design terms to the approved chalet bungalow, the extant permission, being higher by some 2.4m (in total height) to the 8.9m high ridge and 1.8m higher to the eaves level at 4.8m. The ridge height of the approved chalet bungalow with extent permission (under DM/22/1334) was 6.5m and the eaves height was 3m.

The footprint of the proposed dwellings is not dissimilar to that for the approved bungalow. The former approval for the chalet bungalow is a material consideration in the determination of the current application.

It is relevant that the current application represents a more intensive use of the plot to accommodate two 3 bed two storey dwellings, each with individual garden spaces, an enlarged frontage parking area, together with a new double garage, which together subdivide the available space on the plot. The proposed provision of two dwellings in place of the one permitted smaller dwelling, is a material consideration.

The proposal for a single chalet bungalow on the land represented a lower (one and a half storey) building form and a lower density of development. It is considered that the proposed garden plots for the proposed pair of two storey houses would not be out of keeping with other dwelling plots within the immediate vicinity of the site, including those of the newer houses on Ibis Close to the south west of the site

It is considered that the proposed construction of the proposed semi detached pair of new dwellings would form a natural infill development within the built up area of Ardingly, that would not detract from the character and appearance of the area, and therefore the application can be supported.

The proposal would meet the requirements of District Plan Policies DP26, Policy ARD5 of the Ardingly Neighbourhood Plan and the relevant paragraphs of the NPPF.

Impact on the High Weald National Landscape/Area of Outstanding Natural Beauty (AONB)

The legal framework for AONBs in England and Wales is provided by the Countryside and Rights of Way Act (CRoW) 2000 which at Section 82 reaffirms the primary purpose of AONBs: to conserve and enhance natural beauty. Section 84 of the CRoW requires Local Planning Authorities to *'take all such action as appears to them expedient for accomplishment of the purpose of conserving and enhancing the natural beauty of the AONB.'*

Policy DP16 of the District Plan refers to the development in the AONB and states:

'Development within the High Weald Area of Outstanding Natural Beauty (AONB), as shown on the Policies Maps, will only be permitted where it conserves or enhances natural beauty and has regard to the High Weald AONB Management Plan, in particular;

- o the identified landscape features or components of natural beauty and to their setting;
- o the traditional interaction of people with nature, and appropriate land management;
- o character and local distinctiveness, settlement pattern, sense of place and setting of the AONB; and
- o the conservation of wildlife and cultural heritage.

Small scale proposals which support the economy and social well-being of the AONB that are compatible with the conservation and enhancement of natural beauty will be supported.

Development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

The High Weald AONB Management Plan contains a similar ethos.

It is considered that the proposed development of two new semi detached dwellings on the site would be visible from the shared access road serving the properties on Lodgelands and from public vantage points from the immediate public footpath. The development would create two new dwellings on an area of currently undeveloped land which is surrounded by other residential gardens and houses. The site is within the designated built up area boundary of the village.

The proposed development of two semi detached, two storey dwelling houses on the site, rather than the single approved chalet dwelling, would result in a greater scale of development on the plot and result in two families occupying the same plot area, creating a greater intensity of use than the approved scheme. This would result in a pair of two storey houses extending across the width of the site, with a corresponding wide frontage parking area, sited across the entire width of the pair of dwellings. The site is, however, located within the built up area boundary of the village and forms a natural infill plot on Lodgelands, which is an established residential road off College Road. It is considered that the development of the two proposed houses would not have a harmful impact upon the wider National Landscape/AONB.

This assessment is made taking into consideration the Inspector's comments from the Planning Appeals that relate to DM/18/4704 and DM/18/1358. Some urbanisation has been introduced to the western end

of Lodgelands as a result of the development of the houses to the south of the site and by the introduction of the new semi detached dwelling at No 67 College Road, under planning reference 14/02714/FUL.

The application has been supported with clear details of the intended construction materials which are of a vernacular palette to match the local building character. This would accord with the aims of the High Weald Guidance on the selection and use of colour in new development.

It is considered that the proposal would not harm the wider AONB and would accord with the aims District Plan Policies DP16 and DP26, the aims of Policies ARD 3 and ARD 5 of the Ardingly Neighbourhood Plan, the principles of the Design Guide and the relevant provisions of the NPPF with regards to the protection of the AONB.

Impact on residential amenities

District Plan Policy DP26 requires 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.'*

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

The site is an infill plot surrounded by neighbouring properties. The nearest neighbouring properties are Nos 65 and 67 College Road, which are sited to the northwest of the proposed dwellings. The semi detached houses at Nos 65 and 67 have first floor windows that would face towards the west side elevation of the new houses. Their rear gardens back up to the garden space allocated to the western house in the proposed pair.

Both houses at Nos 65 and 67 have been extended with single storey rear extensions and have ground floor windows facing towards the north eastern facing side boundary of the site. The submitted floorplans indicate that these rear extensions extend to within approx. 9m of the site boundary, and approx. 11m from the side wall of the proposed new dwellings. Such a relationship of buildings differs from the general pattern of houses on the eastern side of College Road. There is a different pattern to the plot layouts and sizes in the newer housing development to the south of the site and on the western side of College Road.

A first floor ensuite, ground floor toilet and study windows, as well as a utility room door, are proposed in the side elevation of the western most proposed semi detached house, facing towards the rear of Nos 65 and 67 College Road. The presence of the existing close boarded boundary fence would serve to obscure most of the ground floor doors and windows from the adjacent rear garden areas, and the proposed side access pathway. The close relationship of the new house would have some impact upon the privacy and amenity of the adjacent rear garden spaces, particularly during the summer period. There could be noise disturbance from the use of the side path and from the opening of windows and associated noise impacts from the use of the associated rooms in the new houses. In order to protect the privacy of neighbouring amenities the first floor ensuite window facing towards the rear elevations of Nos 65 and 67 can be required to be obscure glazed by planning condition.

The proposed houses are larger and higher, in terms of the proposed eaves and ridge levels, than the approved chalet bungalow. The rooflines on the semi detached pair are hipped to reduce the overall building bulk. As a result of the proposed orientation of the proposed semi detached pair of houses, and their position close to the plot boundary, this roof form will also lessen morning overshadowing upon the rear gardens of the neighbouring houses.

The site includes garden space, and the garage, which formerly belonged to the extended house at No 63 College Road. That property now has a shortened rear garden. Planning permission was granted under DM/21/1048 for the provision of a new vehicular access and frontage parking provision for No 63 off College Road.

The house at No 63 would overlook the rear garden spaces of the proposed houses, which are set at a right angle to it. The proposed new double garage is shown to be sited some 40m (approx.) from the rear of No 63. The use of that garage would be unlikely to adversely affect the residents of No 63 College Road, due to the distance from that property. The use and access to the new garage may affect the amenity of the residents at 1 Lodgelands to the south east. However the proposed new double garage replaces a former garage and it is considered any impact would be minimal.

The new proposed close boarded boundary fencing would serve to screen the garden space and protect the visual amenities of the existing residents that adjoin the site boundaries. The presence and more intense use of two garden spaces for the proposed two semi detached houses would not have a significant impact.

To the east of the site lies the house at No 1 Lodgelands. This house is sited some 19m from the eastern site boundary and is largely screened from the proposed development on the site by the presence of the block of garages, which have a low pitched roofline. The proposed development would not significantly harm the residential amenity of that house.

The nearest houses to the south of the site are in Ibis Close (No 6) and Monks Meadow (No 11). Due to a drop in the land levels those properties are located at a lower level to the proposed pair of semi detached houses at the site, with intervening hedgerow screening.

The frontage treatment on the permission for the bungalow (DM/21/3112) included a planted hedge, to screen the single storey building. The proposed site plan for the current application includes frontage parking space. This open area will provide views of the houses and the associated parked cars from Lodgelands. It is considered that there is sufficient space between the properties to ensure that the presence of the parking spaces and vehicular movements will not negatively impact upon the residents of the adjacent dwellings in Ibis Close and Monks Meadow.

Representations have been received during the course of the application determination from a number of neighbouring residents objecting with regards to the impact of the proposed dwellings upon their residential amenities. The development would result in two houses which would intensify the use of the plot beyond that of the extant permission for one dwelling.

However, the site represents an infill plot within the built up area boundary. It is considered that the degree of impact upon the amenities and privacy enjoyed currently by the existing neighbouring residents in the immediate area of the site would not be so significant as to cause a harmful impact. As such the proposal would accord with the requirements of Policy DP26 of the District Plan and the relevant principles of the Design Guide.

Highways, access and parking

Policy DP21 of the District Plan relates to transport and requires schemes to be '*sustainably located to minimise the need for travel*' and take '*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*'. In addition it requires where '*practical and viable, developments should be located and designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles.*'

The site is located in a sustainable location, within walking distance of the village centre and the services it offers, and close to bus stops located on College Road.

Paragraph 115 of the NPPF is relevant in respect of transport matters. It states:

'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*

c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.'

There is an existing vehicular access to the site from Lodgelands, serving the former single garage. There is also access off Lodgelands to the former garage located at the rear of the site, formerly in the rear garden of No 63 College Road, and the site of the proposed new double garage.

The access rights to the proposed double garage have been raised in representations to the proposal. The applicant's agent has been asked to clarify the access rights during the course of determining the application. He has confirmed that while Clarion Housing Association own the access way the applicant (the owner of the existing/former 63 College Road garage and garden access) has a legal right of way. This right of access was also intended to be utilised for the approved garage under DM/22/1334. It is noted that this second access point does not fall within the red site boundary line, but is shared with the adjacent garage block.

The proposed Site Plan indicates two hardstanding areas at the front of both of the new houses, measuring approx. 6.2m deep by 6.1m wide. These areas are large enough to accommodate 2 parked vehicles clear of the highway. There is also garage space for 2 additional vehicles to park. The former approval for the bungalow utilised the existing vehicular access.

The WSCC Car Parking Standards require three bed dwellings in Ardingly to be provided with 2.2 car parking spaces. The proposed parking and cycle provisions for the new houses on the site would accord with the WSCC standard requirements.

The Highways Authority raise no objections to the proposal on highway access or parking grounds. The proposal is therefore found to accord with Policy DP21 of the District Plan.

Impact upon preserved tree

District Plan Policy DP37 is relevant in the determination of the proposed impact of the development upon the trees growing on and surrounding the site. This states:

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

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

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

Trees, woodland and hedgerows will be protected and enhanced by ensuring development:

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

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

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

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

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

The proposed scheme will impact upon a tree that is growing within the site boundaries. The Ash tree is the subject of a Tree Preservation Order (TP/14/0019 refers). The application has been supported by the submission of an Arboricultural Report. This has been reviewed by the Council's Tree Officer. The tree is identified as category B tree, with a lifespan of approx. 10 years and has been found to be suffering from the disease known as Ash dieback, is unhealthy and is dying. The Tree Officer considers the tree should be replaced with an oak or field maple, and this has been agreed by the applicant.

The replacement planting will accord with the aims of District Plan Policy DP37.

Dwelling Space Standards

Both properties exceed the nationally described space standard for new 3 bed dwellings. The standards for a 3 bed, 2 storey dwelling allow for a gross internal floor area of between 84-102 sq m. The proposed houses (at approx. 158 sq m each) exceed the maximum standard by 56 sq m.

Flood Risk and Drainage

Whilst College Road is subject to a risk of flooding from surface water and climate change the site does not fall within such an identified Flood Zone. Further to the submission of additional drainage information during the course of determining the application the Drainage Engineers have raised no objections to this proposal, subject to the imposition of a pre commencement planning condition to require drainage details to be submitted to the Local Planning Authority for prior approval. With this condition in place it is considered that the proposal will accord with the aims of District Plan Policy DP41.

Habitats Regulations Assessment for 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 in this planning application.

Recreational disturbance

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

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

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

An appropriate scale of SAMM mitigation for the proposed development is £2,340, and if the approved scheme provides for a strategic SANG contribution, this would be £10,506.

The applicant has signed a s106 agreement to secure such figures. The contributions will be ring-fenced for expenditure in accordance with the relevant SAMM and SANG Strategies.

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

The Planning Obligation securing the SAMM and SANG contributions has been completed to secure the mitigation of the recreational impact to the Ashdown Forest. With this in place the proposal accords with the aims of Policy DP17 of the Mid Sussex District Plan.

Atmospheric pollution

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

The proposed development was modelled in the Mid Sussex Transport Study as a windfall development such that its potential effects are incorporated into the overall results of the transport model, which indicates there would not be an overall impact on Ashdown Forest. Additionally, based on analysis of Census 2011 data, the proposed development is not likely to generate travel to work journeys across Ashdown Forest. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

Conclusion of the Habitats Regulations Assessment

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

The provision of mitigation in the form of both SANG and SAMM is essential to the proposals within the planning application to ensure the Ashdown Forest SPA is protected from any potential recreational disturbance impact arising from this proposed new development. The development proposed does not provide mitigation to avoid any potential impact on the Ashdown Forest SPA.

Mitigation is required in relation to the Ashdown Forest SAC.

Having undertaken a Habitats Regulations Assessment of the implications of the project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered

any representation received, Mid Sussex District Council as the competent authority may now determine the proposed development

Ecology

Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. Under Section 13 of the Wildlife and Countryside Act 1981 (as amended), all wild plants are protected from being uprooted without the consent of the landowner. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation (Natural Habitats, 7c.) Regulations 1994 (as amended).

Policy DP38 of the District Plan relates to Biodiversity and seeks proposals to protect and enhance biodiversity.

Paragraphs 192 to 195 of the NPPF relate to habitats and biodiversity. Para 193 states:

'When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁷⁰ and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.'

The application was considered by the Council's Ecologist. They originally raised a holding objection, pending the submission of further information on European Protected Species (bats) and mandatory Biodiversity Net Gain. Once the Ecological Scoping Assessment was provided with information to demonstrate that Biodiversity Net Gain could be delivered the Ecologist recommended that the proposal could be approved, but subject to planning conditions for mitigation and enhancement measures and the BNG condition.

The site is within an Amber Impact Risk Zone for Great Crested Newts, with no nearby ponds. The Newt Officer has raised no concerns with the proposed development.

On this basis the application complies with Policy DP38 of the District Plan and the relevant NPPF guidance.

Biodiversity Net Gain

Biodiversity net gain is a statutory requirement set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. The site has been assessed to require Biodiversity Net Gain and supporting information has been submitted to demonstrate that Biodiversity Net Gain can be delivered within the timescale promised and to meet any mandatory BNG requirements required. This includes the Statutory Biodiversity Metric (December 2024), Biodiversity Net Gain Assessment (JWK Wildlife Surveys, December 2024), habitat condition assessment sheets, Baseline Habitat Plan Fig 1

(JWK Wildlife Surveys, December 2024) and Post-Intervention Habitat Plan Fig 2 (JWK Wildlife Surveys, December 2024). This information has been assessed by the Council's Ecological Adviser.

As a result, a Biodiversity Gain Plan, as well as the finalised full Statutory Biodiversity Metric, would be required to be submitted prior to commencement as part of the biodiversity gain condition, if the application were to be approved. The submission of a Habitat Management and Monitoring Plan is normally recommended.

Other Matters

Policy DP39 relates to sustainable design and construction and encourages development to explore and include sustainable measures, where appropriate and feasible. It does not set specific guidelines. The submitted information in support of application addresses this matter and sets out that the proposals will be built in full accordance with the Building Regulations, and the sustainability requirements therein. Having regard to this, it is considered that the proposals accord with policy DP39 of the District Plan.

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 Ardingly Neighbourhood Plan.

For the reasons set out within the assessment section, it is considered that the application complies with Mid Sussex District Plan policies DP4, DP6, DP16, DP17 DP21, DP26, DP27, DP37, DP38, DP39 and DP41 and Neighbourhood Plan policies ARD1, ARD2, ARD3, ARD5 and ARD8.

While it is considered that the application complies with the Development Plan, when read as a whole, para 11 of the NPPF is still relevant and it 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.

Weighing in favour of the application is that the fact will deliver two new dwellings, which will make a positive contribution to the Council's housing land supply, at a time when there is a general need to boost the supply of housing. There would also be limited economic benefits, derived from employment during the construction period and spend in the local area by future residents. The fact that the development complies with the Development Plan, when read as whole, should be given significant weight.

The proposal would have a neutral impact on Ashdown Forest, High Weald National landscape, ecology, drainage and on highway matters.

In respect of adverse impacts, then some harm to residential amenities have been identified but these are still considered to be acceptable in respect of the Development Plan policy thresholds. This can only be given limited weight.

In weighing up these issues, when taken together, it is not considered that the adverse impacts of the development would significantly or demonstrably outweigh the benefits of the proposal.

In these circumstances the NPPF states that permission should be granted.

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

Decision: Permission

Case Officer: Anna Tidey